

Fraud and Violence Discovered and Detected:
OR
A REMONSTRANCE
OF

The Interessed in the Ships *Bona Esperanza* and
Henry Bona Adventura of LONDON.

WITH

*A Narrative of the Proceedings in the CASE (depending
before the STATES GENERAL of the Seven United
Provinces) between the Assignes of William Courten
and the East-India Company of the Netherlands.*

ALSO

Several Reasons and Arguments for the speedy decision of
Differences (by Amicable Conferences of State) arising
upon Depredations and Spoils.



Fiat Justitia pereat Mundus.

By GEORGE CAREVV Armig.

LONDON,

Printed by *William Godbid* for the persons concerned.

M. D. C. L. X. I. I.

Friend and Violence Discovered and Detected.

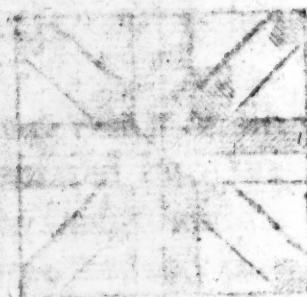
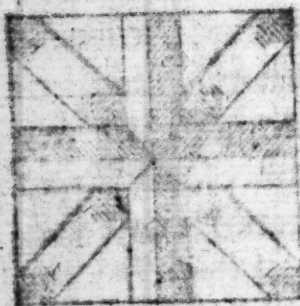
A REMONSTRANCE

OF

The Inhabitants in the City and Liberties of London
To the Honourable the House of Commons

In Matter of the Petition of the City of London
Sheweth that the City of London is a Free City
and the Inhabitants thereof are entitled to the same
Privileges and Liberties as other Free Cities and Towns
in this Kingdom.

Several Petitions and Arguments for the Liberty of the
City of London have been presented to the House of Commons
and the same have been read and considered.



Printed by J. Smith, at the Sign of the Sun, in St. Pauls Church-yard.

By GEORGE CAREW Ainslie.

LONDON,

Printed by J. Smith, at the Sign of the Sun, in St. Pauls Church-yard.

M. D. C. C. C.

An Introduction

To the TREATISE.

GREAT Adventures are accompanied with Equal hazzards and advantages, and men of noble principles rather take encouragements to improve their Countrey by lawful Enterprises, than to sit still and suffer Penurie through fear and negligence. The wisdom of all Ages provided safe Conducts for Merchants, under the sanctuary and protection of *Jus Gentium*, and *National Treaties*; therefore they that suffer Injuries by the Insolent Subjects of *Foreign States*, without seeking Satisfaction and Reparation answerable to the *Dammum Emergens*, forfeit not onely their own Proprieties, but betray both the Honour and Justice of their *PRINCE*, and the Strength and Courage of His Subjects. *Felons* by the Law of *ENGLAND* are not admitted Counsel, or any Testimonies upon Oath; for that such Criminal offences are *contra Pacem & Dignitatem Domini Regis*, &c. and *Murderers* are punished with Death by the Law of all Nations. *Trespases* according to their circumstances are considered in the Eye of the Law: To strike a *Peasant* bears an *Action*, but to strike a *Peer* bears a greater: *Robberies* committed at noon-day, in the open Roads, are

An Introduction

are laid to the *Countries* charge; for that *Theives* were harboured within the Jurisdiction of a *Civil Government*: Among the *Greeks*, if a *Murderer* flew into any City for refuge, they Apprehended three of the Inhabitants, and kept them in safe custody until Justice were done upon the *Offender*: *To deny or delay Justice, is Injustice*; and where there is a Persistency in it, *Grotius* (who was both a *Divine* and a *Civil Lawyer*) says that *Letters of Reprisal* are consonant to Law, and therein *Nations* as well as *Persons* are concerned: The Sacred *Scripture* directs a threefold Restitution for Goods unjustly taken, and the *Church of Rome* Excommunicates those that detain any thing from persons suffering by *Distresse at Sea*, accounting it so Detestable a sin, that they are Accursed, and shall not obtain Remission until they have made full satisfaction. Generous Spirits are obliged by *Kindnesse*, being sensible of *Honour* and *Gratitude*; but the *Jewish* generation of obstinate men, that deems it no sin to cheat *Christians*, being Incorporated into the *East-India Company* of the *Netherlands*, holds it more shameful to *Restore* than to *Steal*; and for their private Interest, will (if possible) Engage the *Seven Provinces* in an unlawful War, than yeild to reasonable terms for their Peace. There are many that justly call themselves Sufferers in this case, and *Potuerunt litem inceptam prosequi*, not doubting in the least of a good Issue upon the foundations of Justice and Equity: The precept of Law is to *Doe right to Every man*; and *Demosthenes* the renowned Orator defines it to be the Gift of God as well as the Decrees of Learned men:

to the Treatise.

men: The Laws of ENGLAND are most clear in the Point, under which (*qui se jacturam passos dicunt in duabus Navibus*, &c.) they are subject, there needs no Commentary upon the Text, being established upon the grounds of right reason and judgment.

Having glanced at the several Heads in the following *Discourse*, before I come to the Proceedings upon the *Controversie* begun, it's necessary to open the *Cause*, that the *Reader* may not be perplext in various turnings to lose his way. I shall then in *Bona Esperanza* sail to the *Henry Bona Adventure*, and enter the Particulars of the Goods and Fraights taken in on their Trading Voyages, and declare the accompts, and opinions both of the most Learned in the Laws, and experienced in Policies and Reasons of State, that say, If the full Loss and Damages be not satisfied according to the Proofs in the *Admiralty*, the *Conclusion* (for *English Affairs*) will be far worse than the Premises.

[*Veritas non querit Angulos.*]

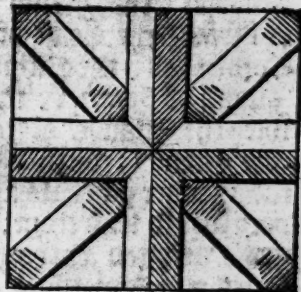
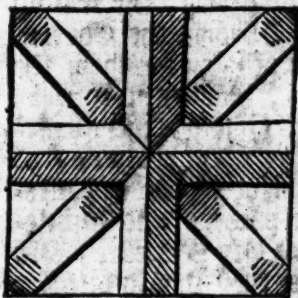


men; The Laws of England are most clear in the
Point, under which (and so judgment passeth down
in the same manner, &c.) they are judged, there
needs no Commentary upon the Text, being estab-
lished upon the grounds of right reason and judi-
ment.

Having glanced at the several Heads in the fol-
lowing Discourse, before I come to the Proce-
dings upon the Controversie begun, it's necessary
to open the Cause, that the Reader may not be
perplexed in various turnings to lose his way. I shall
then in four Assays, first to the View of the
Cause, and then the Particulars of the Goods
and Rights taken in on their Trading Voyages,
and declare the Accusations and opinions both of the
most Learned in the Law, and especially in
Policies and Customs of State. If the full
Loss and Damages be not satisfied according to
Proofs in the Admiralty, the Commission (for
English Affairs) will be far worse than the Pre-
sents.

[The first non quæritur.]





*The CASE between the Assignes of WILLIAM
COURTEN and the East-India Company of
the NETHERLANDS.*



KING CHARLES the first (of ever glorious memory) most seriously considering that Trade and Navigation was a principal means to bring Honour and Wealth to His Kingdomes, and finding by sad experience that the East-India Company of ENGLAND rather persued their present profit by a Running Trade, than to settle themselves in places of strength, that might give encouragement to future Times for adventuring any Commerce with the Indians, or defend themselves against the violent and apparent Injuries of the Hollanders, who daily insulted over them, to the Dishonour of GREAT BRITTAINE, Decrease of Customes, and Expence both of His Majesties Subjects and their Fortunes: His Majestie duly considering the premises, did by His Commission under His Royal Signature, bearing date the 12th of December, 1635. (the Viceroy of the King of Spain having concluded a Truce and free Trade in the East Indies with His Majestie) give license, power and authority to Sir William Courten late of London Knight, Endimion Porter Esquire, Thomas Kynaston, Samuel Bonnell, Merchants, and others; to Set forth under the Command of Captain John Weddall and Nathaniel Mountney, the good Ships called the Dragon, the Katharine, the Sonne, the Planter, the Ann, and the Discovery; with Gold, Silver, Merchandizes and Provisions, fit for Trade, not onely to Goa, the Parts of Mallabar, China and Japan; but also to Cape Bona Esperanza, the Island of St. Lawrence

rence and Parts adjacent, the Coasts of Mosambique, Sofola and Ethiopia, the Island Succatora, the Coast of Arabia, the Gulph of Persia, the Coast of India, the Island of Zelaon, the Coast of Cormendell, the Gulph of Bengala, the Coast of Pegu, Achen, the Island of Sumatra, the Straights of Malacca, Sindea and Bandea, with the Islands of Java, Macassar, Borneo, Gillolo, the Malucocose Islands, with Nova Guiana, and the Coasts of Tartarie; or to any other place whatsoever, where occasion of Trade or Discovery should lead them: And (amongst other powers and privileges) granted Authority to take possession for His Majestie, His Heirs and Successors, of all such Lands as they should discover and conceive might be of Advantage and Honourable for the Crown of ENGLAND to own or hold; giving to the said Sir Will. Courten, and other the Adventurers with him, and their Heirs for ever, one full moiety or half part of the Lands and Benefits whatsoever thereunto belonging; reserving the Sovereignty thereof, and the Interest of Disposing the other part: And in order to a friendly entertainment of the English by the Natives, His Majestie sent severall Letters under His Signe Manual to the Indian Kings, for the kind reception of those His Subjects aforesaid: Nevertheless (in the said Commission) His Majestie declared His meaning and intent, that the old East India Company shall not be restrained, hindered or impeached, of, in or from a free Trade and Commerce to any of those Parts, any thing to the contrary notwithstanding; Saving and excepting a certain clause in the Grant, concerning the Discovery of a Passage into the Adriatick Sea, and the Benefits thereby accruing; and the Land to be discovered and taken possession of by the said Sir William Courten and his Partners as aforesaid: Provided also, that Sir William Courten and other the Adventurers with him, their Agents and Assignes, shall not be privileged, licensed or enabled to Trade where the East India Company had settled Factories, Plantations or Trade before the 12th of December, 1635. And to shew a signal testimony of His Majesties favour to this Foundation, there was in the said Commission power and authority given to make use of His Majesties Common Seal engraven with a Lion passant gardant between three Imperial Crowns, to seal all Letters, Certificates and matters of Concernment in the said Trading Voyages: And as a further ensigne of His Majesties most gracious care for the safety and preservation of the Shipping in that Imployment, did authorize and require Sir William Courten, his Partners, &c. to carry in all their Ships the same Flags and Colours which the Kings Ships and none else ought to bear. And in pursuance of the said Commission Grants and Authorities aforesaid, the said six Ships were set forth and sent to the Parts and places aforesaid. Sir William Courten having upon his owne account adventured the Summe of 120000 l. died being indebted to severall persons that had lent him many great Sums of money upon his owne and his Son William Courten's personal Security: His Majestie then minding to give all further encouragement to the surviving

bining Adventurers, did of His especial grace, certain knowledge and mere motion, by His Letters Patents under the Great Seal of England, bearing date the first day of June, 1637. grant ratifie and confirm unto Endimion Porter, William Courten Son and Heir and sole Executor of Sir William Courten; Thomas Kynaston; Samuel Bonnell, Captain John Weddall and Nathaniel Mountney, and every of them, their Partners, Agents and Assignes, all the said Powers, Privileges and Authorities mentioned and contained in the former Commission; with license from time to time, During the space of five yers next following to set forth and send one or more Ship or Ships, Vessel or Vessels well fitted and provided for Trade, to the Parts and places aforesaid; Captain Weddall and Mountney with the former Ships having Traded for the space of Eighteen moneths upon the Coasts aforesaid, purchased several places for Factories near the Sea, and possessed themselves of some Vacancies of Land (lawful for them to do) and then sent home the Sonn and the Planter richly laden with Goods to a great value. The Hollanders perceiving that both the Indians and Portugals had naturally more kindness for the English than the Dutch, Envyed thereat, and sought all indirect means and practises (as formerly they had done) to destroy them and their Foundations, Declaring all men to be their Enemies that dealt with the English. Afterwards Capt. Weddall and Mountney, as they were bound homeward for England, in the Dragon and Katharine, laden with Oriental Wares and Merchandizes, to the value of 150000 l. Sterling and upwards, near the Cape Bona Esperanza were most barbarously murdered by the Dutch, and the Ships both sunk (as by strong presumptions and relations of several persons hereafter mentioned may appear) which put the Company upon great streights.

William Courten then Borrowed the Sum of 28800 l. of Sir Paul Pindar Knight, upon his personal security in the same yer his father died, towards satisfaction of such persons that called in their moneys; afterwards prebailled with Sir Edward Littleton Baronet, his Brother in Law, to become bound with him for divers great Sums of money to divers other persons, amounting to 68000 l. or thereabouts, which was taken up at Interest to carry on the said Trade in India as aforesaid. And in the Yer 1641. having with his Partners set forth seven other Ships, well provided and furnished with Gold, Silver, Merchandizes, Ammunition and other provisions fitting for East India Voyages; did by an Indenture or Bill of Sale, bearing date the 26 of Aprill 1642. made between the said William Courten of the one part, and Sir Edward Littleton of the other part, recite the said Letters Patents, And whereas the said William Courten, and the parties named in the said Patent, in pursuance of the powers and authorities therein granted, had set forth and sent out to the East Indies and places before mentioned the said 7 Ships herein particularly mentioned, viz. The Loyalty of London, of the Burthen of 340 Tons or thereabouts, under the charge and Command of John Dursion Master; the Bona Esperanza of

London, of the Burthen of 240 Tons or thereabouts, under the charge and Command of John Dowrish Master, the Hester of London, of the Burthen of 230 Tons or thereabouts, under the charge and Command of Robert Hogg Master; the Unity of London, of the Burthen of 160 Tons or thereabouts, under the charge and Command of Henry Russell Master; the Paradox of London, of the Burthen of 120 Tons or thereabouts, under the charge and Command of Adrian Mathews Master; and the Planter of London, of the Burthen of 260 Tons or thereabouts, under the charge and Command of John Benning Master: And whereas the whole Adventure of and in all the said Ships, being divided into Eight parts, the Adventure of him the said William Courten, amounteth unto Seven parts of the said Eight parts; and the other part is the Adventure of all the rest of the Adventurers and Parties herein before mentioned.

And whereas the said William Courten hath at his owne proper costs and charges, and for his owne proper accompt, by several Polices or Writings of Assurances, bearing the several Dates herein mentioned, assured himself lost or not lost from London, to the parts and places aforesaid in Trade, and from thence to London again with their Lading; that is to say, by one Police dated the 13 Day of April, 1641. upon the said Ship called the Paradox, the Summe of 3450 l. by another Police dated the 6. Day of October, 1641. upon the Bona Esperanza, the Summe of 3400 l. by another Police of the same date, upon the Henry Bona Adventure, the Sum of 3100 l. by another Police dated the 18 of April 1642. upon the Loyalty, the Summe of 5250 l. by another Police of the same date, upon the Hester, the Summe of 3650 l. by another Police of the same date, upon the Unity, the Summe of 3150 l. as in and by the said Polices or Writings of Assurances may appear.

And whereas the said Sir Edward Littleton, at the request and for the onely proper debt of the said William Courten, and as his Surety, standeth bound to several persons for several great summes of Money, and the said William Courten is willing to secure the said Sir Edward Littleton, his Heirs, Executors and Administrators; and to save him and them harmless concerning the same: Now, This Indenture witnesseth, that the said William Courten in consideration of the premises, and for Divers other good causes and considerations him thereunto moving, hath given, granted, bargained and sold, and by these presents doth give, &c. unto the said Sir Edward Littleton those his two Ships called the Paradox and Hester, with their Appurtenances, Stock and Stocks, Merchandizes, Assurances; and all his Part and Parts, Portion and Portions of all freight and freights, Cords, Ladings, Wares, Returns or Proceeds whatsoever, arising or growing out for or in respect of any Parts and Shares which he the said William Courten hath in the Loyalty, the Bona Esperanza, the Henry Bona Adventure, the Unity and the Planter: to have, hold and enjoy the said Ships and Premises; and all the Estate, Right, Title, Interest, Claim and

and Demand whatsoever of him the said William Courten, of, in and to the same, unto the said Sir Edward Littleton, &c. for evermore; with a Covenant therein against all former Incumbrances: Provided alwayes that if the said William Courten, his Heirs, Executors or Administrators, or any of them, shall or do within the space of Seven and twenty moneths next ensuing the date of the said Indenture, pay and satisfie all and every sum and sums of Money for which the said Sir Edward Littleton stands bound with the said William Courten, unto such person or persons unto whom the same are or shall be due; and do from time to time, and at all times hereafter save harmless the said Sir Edward Littleton, &c. from all manner of Suits, Troubles, &c. by reason of the same; That then this present Indenture and Bill of Sale to be void: And it is agreed, expressed and declared, that in case the said Sir Edward Littleton, &c. shall at any time be damaged concerning the premises, or any part of the said Debts, that then it shall and may be lawful for the said Sir Edward Littleton, &c. to grant, assigne and set over the said Ships, Goods, Adventures, or any part or portion thereof, to any person or persons whatsoever, for the payment and discharge of the said Debt, and the surplus to be accounted to the said William Courten, &c. In witness, &c.

Sir Paul Pindar having continued his money at Interest in the hands of Mr. Courten for the space of Five years, upon the personal security of Mr. Courten, and Samuel Bonnell, there being then due to him for the forbearance thereof the summe of 4800 l. Sir Paul Pindar pressed for further security, and at length prevailed with Mr. Courten and Sir Edward Littleton for satisfaction of the said Debt to make a Grant or Bill of Sale of the said Ships in manner and form following, viz.

By an Indenture tripartite, bearing date the 19 of December, 1642. made between the said William Courten of the first part, Sir Edward Littleton of the second part, and Sir Paul Pindar of the third part, reciting the Letters Patents from the King, the several names of the Ships, with their Burthens and Lading, Polices of Assurances, and the Consideration of Mr. Courten's former Grant to Sir Edward Littleton of the 26 of Aprill last, with the Proviso contained therein as aforesaid; and then mentioning the perticular sums of money that William Courten, and Samuel Bonnell, stood engaged by several Bonds to Sir Paul Pindar, with their dates and times of payment, being accounted up, Principal and Interest together, amounting to 28800 l. And that for 4000 l. thereof, 200 Bags of Pepper was sent upon Sir Paul Pindar's account to Ligorne, there remaining only due unto Sir Paul Pindar the sum of 24800 l. In consideration whereof, and for better security, the said William Courten and Sir Edward Littleton granted, bargained and sold the said Ships, the Loyalty, the Hester, the Bona Esperanza, the Bona Adventure, the Unity, the Paradox and the Planter, with all the freights, Adventures, Returns, Polices of Assurances and other Proceeds whatsoever, and all the Right, Title, Interest, Estate, Claim and Demand of them the said Sir Edward Littleton

6 The Case between the Assignes of William Courten

Littleton and William Courten, to Sir Paul Pindar, &c. as his and their owne proper Goods and Chattels for evermore; with Covenants that they were free from Incumbrances, &c. according to the Laws of Oleron. In which Indenture tripartite was also contained a Proviso, That the said Sir Edward Littleton and his Assigns should and might order and dispose of the Returns and Proceedings of the premises: First, for the payment of Sir Paul Pindar out of the Loyalty 5000 l. out of the Hester 4000 l. out of the Bona Esperanza 3000 l. out of the Bona Adventure 2500 l. out of the Unity 2500 l. out of the Paradox 2000 l. and out of the Planter 5800 l. at certain days after the Returns of the said Ships, the Surplus to satisfy the Engagements of Sir Edward Littleton: And it was agreed, that in case any of the said Sums of Money should be behind and unpaid, that it should be lawful for Sir Paul Pindar to pay himself out of the Goods and Merchandizes upon the Returns with Costs and Damages, and account to Sir Edward Littleton for the overplus: And it was also agreed, that in case of Shipwreck Sir Paul Pindar should not suffer any loss or damage, but that he should and might sue the Policies of Insurances, and be accountable also for the overplus to Sir Edward Littleton, towards discharge of the Debts he stood Engaged with William Courten as aforesaid. In witness, &c.

As additions to Mr. Courten's Misfortunes, the Civil Wars broke out in England soon after he set forth these last Ships, which gave the *East-India Company* of the *Netherlands* further advantages to dispoil him, and his Friends that assisted him in his reputation. And about the Month of *January* 1643. the *Henry Bona Adventure* being laden with Pepper, and other *Indian Wares* bound homewards for *England*, was driven upon the *Island Mauritius* by distresse of weather, where the *Dutch* under a pretence of helping the Master and Seamen to save the goods, seized and possessed themselves of Ship, Tackle, Ammunition, Merchandize and Provisions, and converted the same to the use of the said *East-India Company*; and *Adriaen Vanderbell* the Governour of the *Island* sent away the Master and Mariners without any manner of succour or relief, to the damage of Mr. Courten and the rest of the interested, the summe of 10000 l. and upwards. And about the Month of *June* 1643. the *Bona Esperanza* making a Trading Voyage from *Goa* to *Macca*, in the Straights of *Malacca*, was violently set upon by two *Dutch Ships* Men of War (belonging to the said Company) called the *Vendillo* and the *Portogallo*, whereof Signior *Fermoren*, and Signior *Gealand* with the Lieutenant of the Fort at *Malacca* were Commanders, who in an hostile manner killed the Master *Roger Tuckerman*, and divers Seamen more, wounded many others, took the rest Prisoners, and robbed them of all their Goods, Merchandize, Books of Accounts, Writings and Papers; and afterwards led the Mariners about the streets of *Batavia* in derision of the *English Nation*, dragging also the Kings Colours after them in triumph, contrary to the Laws of Nations and Common amity: all which tended to the damage of Mr. Courten and the interested in that Voyage, the summe

Summe 75000 l. or thereabouts, the particulars whereof appear by the authentique proofs taken (*in perpetuam rei memoriam*) in His Majesties High Court of Admiralty in England.

Upon the news of these violent and inhumane Dealings, Mr. Courten was forced to absent himself from the Exchange, his Bills were protested in England, Holland and Zealand, so he became insolvent, and was outlawed with Sir Edward Littleton in the Years 1644. and 1645. for the Sum of fifty thousand pounds, or thereabouts: Sir Edward Littleton being then sequestered for his fidelity and Allegiance to his Majesty, and in the actual Service of the King, could not appear to prosecute his action either before the Parliament or the Courts of Holland; for reparation of the said violent injuries aforesaid.

Sir Paul Pindar having taken up several great summes of money, and advanced them to the Kings use, was with the rest of the Commissioners for the contracted Farms of the Customs, fined 150000 l. by the Parliament, and also prosecuted at Law for the said Debts, whereby he became a Prisoner to his own house, and during the late distressed Times made incapable to look after his proportion of the said Damages from the East-India Company of Holland.

Mr. William Courten being indebted (as it's pretended) unto one Jacob Pergens of Amsterdam, one Peter Bondan Courten of Middleburg, David Goubart, and others their Confederates in London, combining together, persuaded Mr. Courten to appear before John Marius Publique Notary, and make a Procuration bearing Date at London the 27. of October 1645. giving power to the said Pergens to implead, recover and receive of the said Company satisfaction for the Losses and Depredations aforesaid, but to the use of Mr. Courten.

Afterwards perceiving the Times grew more desperate, and that Sir Edward Littleton and Sir Paul Pindar were plunged into most lamentable conditions and oppressions, they insinuated to Mr. Courten that notwithstanding the former Words of Bargain and Sale to the said Sir Edward Littleton and Sir Paul Pindar, their Estates being confiscated, and themselves lost irrecoverably in opinion of the world, he might make other Transports of the said Ships Bona Adventure and Bona Esperanza, with the Goods, Effects, and Proceeds thereof, to him the said Pergens, for satisfaction of his pretended Debt aforesaid. Mr. Will. Courten being divided in his own thoughts, told the said Confederates that he could not do any such acts without arraigning his own understanding, and wounding the reputation of himself and his Family; yet notwithstanding through much importunity and perswasion, being driven to great necessity, having lived in obscurity three years together, he came privately on the 10 of Decemb. 1647. before Joshua Manier Publique Notary at London, and took upon himself to make an absolute Transport and Bill of Sale of the said Goods, Ships and all Proceeds coming and arising from them, to Jacob Pergens now as his own proper Goods.

About six weeks after the said William Courten arrived in Holland, and delivered to Mr. Jacob Pergens and David Goubart the Counterpart of the said Tripartite Indenture signed and sealed by Sir Edward Littleton and Sir Paul Pindar, in whose hands the same is yet remaining: who then were advised by their Advocates upon perusing of the said Deed to perswade Mr. William Courten to make another Transport in Holland, who came privately to the Hague, in his passage towards Italy (where he died) and appeared before Solomon Vander Heyde Publicque Notary, upon the 22 of Febr. 1648. and took upon him to make another Transport or Bill of Sale, reciting the names of the Ships, particulars of the Goods and Freight, and then granted them to the said Pergens in rem suam, accepting of some small parcell of money for his charges, and so took his Farewell of the said Pergens, Bondas Courten & Goubart, leaving the same upon them and the East-India Company, who fraudulently combined to oppress the fatherless and Widows, and intended to deceive them of their Just Rights.

And the better to colour over their practices and designs, they procured Letters from His late Majesty (when he was under the treachery of a Presbyterian Party, and the force of an Independent Army) to be sent to the States General of the United Provinces, and Sir William Boswel His Majesties Resident at the Hague, as followeth.

Celsissimis ac Præpotentibus Dominis, Dominis Ordinibus Generalibus Unitarum Belgii Provinciarum, Confederatis & Amicis Nostris Charissimis.

CAROLUS Dei Gratia Magnæ Britanniz Franciæ & Hyberniæ Rex, Fidei Defensor, &c. Celsissimis ac Præpotentibus Dominis Ordinibus Generalibus Confederatarum Belgii Provinciarum, Confederatis & Amicis Nostris Charissimis, Salutem, ac utramque felicitatem; Celsissimi ac Præpotentes Domini Confederati & Amici Charissimi, quoniam bonis viris Nostris, dilectis & fideiis viris, Gulielmus Courtenus, illatus sibi Gravitissimo Anno 1643. quatuor ejusdem bini naves, Commercii causa ad Orientalis India plagas emissas, una expugnata in freto Malacca, altera tempestate in Insula Mauritania commissa, diriperetur, ac decineretur, utrumque inventurum a subditis Vestris ad Orientalis India Societatem Vestram pertinentibus, quodque sibi sibi (iusto) fieri ab eadem Societate sepius flagitavit, quibus conventuram locum quibus intelligamus, placuit, Residenti Nostris Equiti Boswelio Haga moranti mandare, ut Courteno ferat opem, ac rem omnem diserte aperiat. Et Celsissimilium simul, & ab eisdem ejusmodi petat directionem, quæ eadem Societati ad rationem satisfactiois invidiam adducatur; Residenti nostro prefato fidei in hinc integram, reliquisque ex parte nostra proferendis coram eisdem V. V. Celsissimis, negotiis, eadem V. V. Celsissimorum, ut semper, cum favore & benignitate dignabuntur, exhibere. Quæ de cætero se vos florentesque Deum opt. Max. quam divitissime conservare velitis: Dabimus ex Hamptonia Curia Octobris die nona, Anno salutis M.D. CXVII. & Regni nostri XXIII. P.P.V. Celsissimum.

Bonus Amicus

CAROLUS R.

Facta Collatione consonavit cum suo Originali, subsignatum erat.

J. SPRONSSSEN.

To Our Trusty and Well-beloved Sir William Boswell Knight,
Our Resident with the States General of the United Nether-
lands at the Hague.

CHARLES REX.

TRusty and well-beloved, We greet you well, herewith you will receive two Letters from us, one to the States Generall of the United Netherlands, the other to the Prince of *Aurango*, and a Copy of each, by which you will see they are but creditive, and referring to that you have from us in Charge, which is as followeth; That a Ship called the *Bona Esperanza* of *London*, belonging to *William Courten* Esquire, laden with his goods, and with other goods and momes of certain *Portugalls*, chanced to be assaulted by two Ships of the Netherlands *East-India* Company in the Straights of *Malacca*, upon or about the 26. of *June* 1643. (as she was sayling on her voyage from *Goa* to *China*) where after a bloody fight and much of her Company slain, she was overpowered by the Neatherlanders serving the said Company, who used the rest with great rigour, and disposed of ship and Lading at their Pleasure, which else might have probably brought home to Mr. *Courten* a return of Threescore thousand pounds, or better.

Like Information we have concerning another Ship to him belonging, called the *Henry Bona Adventure* of *London* Freightd with Pepper, and other Spices, to the value of 7884. pounds, and with Iron neer 300. pounds worth, which by the streffe of a *Harrican*, was forced upon a part of *Mauritius* Island, the 25. of *January* 1643. and there with all tackles and goods detained by the Netherlands serving the said Company: Of both which, that just restitution be made or sufficient reparation, and allowance for Damgages, is, That we are Humbly Prayed to recommend, and by you our Publique Minister with the said States General to demand and require; Wherefore we will and command you soon after receipt of these, to Inform your self fully by conference with *James Pergens* Merchant of *Amsterdam* (who hath the managery of Mr. *Courten's* affairs in *Holland*) of the whole State of the Seizure and value of the said two Ships, furniture and freights, and the damage sustained by the Owners of them, with other the circumstances pertaining thereunto; Wherein, when you are sufficiently instructed, we will and require you then to present our said letters Creditive, and in pursuance of them to Presse for Satisfaction, (by restitution or otherwise) speedily to be made by the Netherlands *East-India* Company aforesaid: In the Negotiating of which we would have you use your utmost Care, and most earnest endeavours, and therein to advise and assist from time to time the said *Pergens* the best you can; Which will be grateful and acceptable to Us. Given under Our Signet at *Hampton-Court* the 9. day of *October* 1647.

Concordat cum Original.

Quod Attestor.

J. Beeckman Not. Publ.

Having thus far given a perfect Narrative, with the Abstracts of several Deeds and Writings out of the Originals, to which I refer, now follows in course the Second Part of the Case, wherein is set forth the Practice and Combination of Mr. *Pergens* and his Confederates; and the prohibition of Sir *Paul Pindar*, with the Proceedings of *Jonas Abeels* at *Amsterdam* thereupon.



It Paul Pindar being advertised by some friends that William Courten had taken upon him to make other Procurations, Transports or Assignments of the said Bona Esperanza and Henry Bona Adventure, and of the Goods, Ladings and Effects, to Mr. Jacob Pergens, notwithstanding his former Grants, Bargains and Sales for such valuable Considerations as aforesaid; then the said Sir Paul Pindar by Procuracion bearing date at London the 11. of February 1647. impowered Jonas Abeels Merchant of Amsterdam, to Implead the said East-India Company, and to recover and receive of the said Company all such sum and sums of money, Costs and Damages as were and should be coming unto him for the Losses and Spoils aforesaid; which act was attested by Joshua Maniet Publique Notary aforesaid.

Before any Treaty or Agreement could be made between Pergens and the Company, Jonas Abeels insinuated (to the Directors of the said Company at their Chamber in Amsterdam, by Gerrit Coren Publique Notary) his Procuracion and quality; and that Sir Paul Pindar had a Transport or Deed of Assignment of the said Ships, Goods and Ladings from William Courten and Sir Edward Littleton under which he claimed, and that in case they made any Agreements with Mr. Pergens or any other it would tantamount to no effect, giving the Bewinthebbers or Directors a Copy of the said Deed of Assignment, protesting against them for the Damages already sustained, or that should be sustained, by reason of the premises, as appears by the said Act of Insinuation, in the Register at Amsterdam the 25 of May 1648.

Jonas Abeels hearing afterwards that (notwithstanding his Insinuation) Mr. Pergens was in Treaty with the East India Company, did (as directed by his Advocate) arrest in the hands of the said Company, all which by Liquidation or Avoit the said William Courten had made in regard of the said two Ships Bona Esperanza and Henry Bona Adventure, and the Goods therein laden, and that the summe of 2500 l. sterling, covenanted to be paid out of the Henry Bona Adventure, by the said tripartite Deed to Sir Paul Pindar, should be paid to the Arrestant in his said quality, before any money might be paid to Mr. Courten or others, van hien voegen. meaning Sir Edward Littleton or his Assignes, which could not then appear for the reasons before mentioned. Actum at Amsterdam the first of October 1648. and was signed by Golen Daniells Messenger of the City of Amsterdam, and entered in the Arrest Book Signed with the Letter G fol. 161. abstracted from the Original, kept at the Chamber of the said East India Company.

In the year following (the King of Great Brittain being murdered) the Committee of Seventeen met at Middleburgh, where Peter Boudan Courten dwells, and as one of the said Committee, he himself procured to be made the pretended Agreement following, without any

any notice of Sir Paul Pindar's Interest, Sir Edward Littleton's Right or Mr. Thomas Kynaston and the rest of the Proprietors proportions, who were also imprisoned, sequestred, and ruined for the Kings Cause, neither was there in the said pretended Agreement any mention of the Mariners wages or their other perticular losses, nor even the Damage of Mr. Thomas Newman, the Cape Merchant in the Bona Esperanza, who lost all in that Bottom, which he had gotten together in his five years service of Mr. Courten and Company before, nor of the least recompense or compensation to the Widows, and many poor fatherless Childzen of Roger Tuckerman the Master, the Boatwaine, and five other Seamen that were (for some Reasons) killed in the Defence of the Ship, against the said Robbery and Violence. All which proved to the loss and damage of the true Proprietors and Interest the summe of 84516 l. 11 s. sterling, besides the said blood, inestimable losse of Trade, and Imbezilment of the Original Contract under the hand and seal of the King of China, concerning the Liberties and Priviledges of his Ports to Mr. Courten and Company; for all which there was no procurations given from the Proprietors to Mr. Pergens to agree upon any terms whatsoever, they not doubting then of plenary satisfaction, when the King should resume His Crown and Kingdoms.

**A Copy of the Original Agreement in Dutch,
Between Mr. Pergens and the East-India Company.**

Alsoo differenten ontstaen sijn tusschen de Ed: Bewinthebberen vande Nederlandische Geentroyeerde Oostindische Compagnye ter eenre, mitsgaders de Ed: Jacob Pergens, ende David Goubart, soo voer hem selven ende als Procuratie hebbende vande Ed: William Courten, ende andere Geïnteresseerden inde ghemelte differenten tot Londen ter andere zyde, ter seecke van saecker Schip genaemt l'Esperance inde Jare 1643. voozleden omtrent de Stadt Malacca vande Ministers vande ghemelte Compagnye om redenen daer toe dienende, met sijn ingeladen goederen aengehouden, mitsgaders eenighe geberghde goederen uyt het Schip Henry Bonaventura op 't Eylandt Mauricius verongeluckt ende van daer op Batavia ghebraght; Soo ist dat de voornoemde Jacob Pergens ende Goubart ter Vergaderinge van Seventiene de gemelte haer Pretensien (om eenmael van de selve af te sijn) eyndelijck begroot hebbende op een Somme van hondert duyfent guldens, ende daer op gehoozt sijnde de presentatie vande gemelte Vergaderinge van 't seventigh duyfent guldens naer dat haer Ed: de resterende differende dertigh duyfent guldens al ende geheel aende uyt spraecke van dese Vergaderinge gesubmitteert hadden, aende voornoemde Pergens ende Goubart, voer alle de gemelte haere Pretensien ende ankebe van dien egeene uyt gesondert of gereferbeert, by desen toe gheleyt hebben de Somme van vyf en tachtigh duyfent guldens mits voer den Ontfangh vande gemelte penningen stellende suffisante cautie voer alle namaninge; Alle 't welcke by de ghemelte E: Pergens ende Goubart gehoozt sijnde, daer

mede contentement genomen hebben; Alles ter goeder trouwe sonder
argh ofte list, sijn daer van gedaen maerken twee alleens luydende
Asten; ende wederstys tusschen gemelte Parteyen geteykent binnen
Middelburgh in Zeelandt den 18 Septembris 1649 Was met verscheyde
handen onderteykent:

Jacob Pergens
David Goubart

I. C. Hayman
Jacob Rogh
P. Boudan Courten
P. D. Carpentier
P. van Santen
Adriaen Besemer
Jan Vrericks Abbekerck
Herke Iansz Noortlandt.

Naer gedane Collatie is dese Coppe jegens den Principalen van
woorde te woorde bebonden te accorderen, sulcx betuyghe ick Keyser-
lijck ende by den Ed: Hobe van Hollandt, Wittgaders De Groot
Aechtbare Magistraet der Stadt Amsterdam Geadmiteert en open-
baer Notaris binnen deselve Stadt Residerende, ende hebbe in
oorkonde van dien mijne Notarie signature hier onder ghestelt desen
27 Januarij 1651. was onderteeckent I.G. vander Ven Notaris Publijcq.

A Translation of the Agreement from the Dutch Original.

Whereas Differences are arisen between the *Netherland East-India Company* on
the one part, & Mr *J. Pergens & D. Goubart*, as for their own Interests, & being
also authorized by Mr *Will. Courten* and others at *London* concerned in the same business
on the other part; touching a certain Ship named the *Bona Esperanza*, which was in the
year 1643. seized on near the Town of *Malacca*, [and that for some Reasons] as like-
wise some goods that were taken into custody, which were in the Ship named the *Henry*
Bonaventura that did miscarry near the Island *Mauritius*, which said goods were brought
into *Batavia*; For which subject those Interested in the said business (and to make an
end thereof, and of their pretences, the said *Jacob Pergens* and *Goubart*, did in the
Assembly of the Seventeen, value their Losse at the sum of One Hundred Thousand
Gilders; whereupon they had a presentation of Seventy Thousand Gilders offered them
by those of the Assembly, they referring the other Thirty Thousand Gilders to the
Judgement of the Assembly. But finally at last were agreed to give to the said *Pergens*
and *Goubart* for what pretences they had, the sum of Eighty Five thousand Gilders,
they giving also good and sufficient Security to indemnifie the said Company for the
said payment, which being taken into consideration by the said *Pergens* and *Goubart*
they were fully satisfied therewith without any dissimulation, whereupon two acts were
made of this agreement and exchanged to each other party and signed in *Middleburgh*
the 18 of September 1649. Subscribed by several persons.

Jacob Pergens
David Goubart

J. C. Hayman
Jacob Rogh
P. Boudan Courten
P. D. Carpentier
Pieter van Santen
Adriaen Besemer
Jan Vrericks Abbekerck
Herke Jansz Noortlandt.

The

The Copy of the Security.

I underwritten do put my self as security in full manner and form for the said Eighty five thousand Gilders, the 20 of September 1649.

Signed

Peter Loudan Courten.

The Copy of the Ordinance.

The Treasurers please to pay to *Jacob Pergens* Fourteen thousand one hundred sixty six pounds thirteen shillings four pence Flemmish, according to the Contract thereof made of the 17 in *Middleborough* the 20 of September 1649.

Jacob C. Hayman.

and

Nicholas Vander Mercks.

l. s. d.

Summe is — 141661--13--4.

Under is written,

I underwritten do acknowledge to have Received the contents hereof in *Middleborough* the 20 of September 1649.

Signed

Jacob Pergens.

After Examination with the Originals. I Notary do find the same to agree in *Middleborough*, the 28 of July Anno 1654. Under is written, in Testimony of me,

Signed

Daniel van Humen

Notary Publique.

Mr. Jonas Abeels being informed that an Agreement was made at Middleburgh, renewed his former Insinuation and Arrest for further Damages, and petitioned the East-India-Company for a Copy of it, which after many requests and solicitations was granted, who was advised by his advocates (as to Sir Paul Pindar's Interest and demand) to sue the Company, who made this conclusion in Court against the said Company as followeth, viz.

The Declaration or Resolution of *Jonas Abeels* in the Court of *Amsterdam*.

I Onas Abeels als Gemachtigde van Sir Paul Pindar Ridder tot Londen, als d'Accie ende Transport hebbende van Willem Courten ende Eduart Littleton heeft ter Overschare doen dachbaerden de Bewinthebberen bande Doff-Indische Compagnye ter Camere alhier, ende Concludeert by de middelen, in tijden ende wijlen, in noot, naerder te doen deduceren, dat de Heeren Gedaeghdens gehouden sullen sijn te kennen ofte ontkennen, ten minsten ter goeder trouwen, den voorsz Instrumente van Transporte by den voornoemden Courten, ende Littleton ten behoebe bande voorszde Heer Ridder, gepassiert op den negenthienden Decembris 1642. Engelse stijle, of dat op een uytkomt inden achtthienden Jare bande Regeringe van wijlen Carolus, eerste Coninck van dien Name van Groot Britangien op den 19. der voorsz Maent, en dienvolgende de Gedaeghdens gecondemneert sullen werden vermogens de vorige gedane insinuatie en arresten, aenden Eyscher inde voorsz qualiteyt te betalen, ende by provisie te namptiseren de somme van Wif en tachtich duysent guldens, by de Gedaeghdens geacordeert, ende aengenomen te betalen, wz de schaede ende pre-

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tensien by Willem Courten en consorten gepreterbeert, ober het aenge-
boelde Schip de Bonne Esperance ghenarint, ende de ingeladen goe-
deren van dien ende het gene by besongelucken van den Schippe Henry
de Bonaventure in handen is vande Ministers vande woꝝ Comp-
gule bekomen was, metten Interesse vande woꝝ somme van Alif
en tachtigh duysent guldens, cledert den dach vande Accorde tot de
effectuele gemetinge toe, niet de kosten, ofte anderen, &c.

Schepenen stellen de saecke in Statu, behoudens Uterschaer
Recht. Datum den 17. february 1651. Presentibus,

Dr. Albari Panter, Barnard Schellingar ende
Dr. Cornelis van Dronselaar.

The Translation of the Original aforesaid, with the Proceedings.

Ionas Abels impow'ed by Sir Paul Pindar Knight, at London, as having the action
and Assignment of *William Courten* and *Edward Lisleston*, hath in Court caused to
be summoned the Administrators of the *East-India Company* of the Chamber here, and
Complaineth (by reasons to be further deduced in time and place, as shall be needful)
that the Worshipfull Defendants shall be bound to acknowledge or deny, at least in
good faith the said Instrument of Assignment passed by the before-named *Courten* and
Lisleston to the use of the aforesaid Knight, on the 19. of December 1642. *English*
stile, or (which comes to one) in the 18 year of the Raig of the Late *CHARLES*
the First, King of that name of *Great Britain*, on the 19. day of the aforesaid Month,
and in consequents thereof, the Defendants shall be condemned upon preceeding
Iniminations and Arrests done, to pay unto the Plaintiffe in the said quality, and by
provision to deposite the sum of Eighty and Five Thousand Guilders, by the Defen-
dants agreed and undertaken to pay for the Damage and pretence which by *William*
Courten and Partners is pretended for the seized Ship called the *Good Hope* and the
Goods therein Laden, and for what is accused by the Miscarriage of the Ship the
Henry Bonaventure, in the hands of the Ministers of the said Company, with the Interest
of the said sum of 85000 Guilders, from the day of the Agreement untill the effectual
enjoyment thereof, with the Costs or otherwise, viz.

The Court of the Last of May 1651.

Till the next
Court.

Ionas Abels, as impow'ed of Sir Paul Pindar Knight, at London, as
having the Action and Assignment of *William Courten* and *Edward Lis-*
tleston, hath in Court caused the *East-India Company* to be summoned as
above in all things.

At the Court the 21. June in the year 1651.

In Ratifying
the right of
the Court.

Ionas Abels, as impow'ed of Sir Paul Pindar Knight, at London,
against the *East-India Company*, and further as above in all things.

At the Court of the 13. of September 1651.

In Statu.

Ionas Abels as Attorney of Sir Paul Pindar Knight, at London, against
the *East-India Company*, and further as above in all things.

At the Court of the 8. of November 1651.

In Ratifying
the right of
the Court.

Ionas Abels as Attorney of Sir Paul Pindar Knight, at London, as hav-
ing the Action and Assignment of *William Courten* and *Edward Lisleston*
against the *East-India Company*, and further as above in all things.

At

At the Court of the 14. of February 1652. N. S.

As above in
all things.

Ionas Abeels as Attorney of Sir Paul Pindar Knight, at London, against
the East-India Company, and further as above in all things.

Then the Company summoned Mr. Pergens and made this Conclusion following translated from the Original.

THe Directors of the East-India Company at the Chamber here Complainants
against Jacob Pergens for himself, and as accepting the Citation for Peter Boudan
Courten dwelling in Zealand, as having put themselves for Security for all after Claims
of monies received by the said Pergens of the Directors of the East-India Com-
pany in Zealand, by vertue of the agreement made with the East-India Company, that
he shall be condemned to indemnifie the Plaintiffs, and to save them Free of Costs
and Damages from or of the claim and conclusion which Jonas Abeels (who calleth
himself the impow'ed of Sir Paul Pindar, who saith he hath Assignment from William
Courten and Edward Lissleton) is this day making and taking against them, and without
Diminution of the Defendants defence against the said Abeels, Qualitate qua, and
their right against the said Boudan Courten, further making demand of Costs, &c.

*This present Translation agrees in substance with the Original.
Quod attestor Rogatus & Requisite.*

I. Daniel. N. Publicus.

*Mr. Jonas Abeels upon News of Sir Paul Pindar's Death, proceeded no further, for
want of new procurator; whereupon the said Complaint and Conclusion fell without any
determination, then the Dutch War broke out: Now follows the third part of the Case.*

**The Claim of William Tombes Esq; for the Ship the Bona Es-
peranza, Freight and Goods, on behalf of himself and others
interested therein.**

THe proceeding and Acts made and sped in the said Claim, before the English
and Dutch Commissioners, viz. John Exton, William Turner, Doctors of Laws;
William Thompson, Thomas Kendall, Adrian van Almond, Christian van
Rodenburgh, Lodowick Hamers, and Jacob Oysel, by vertue of a Commission
bearing date the 25. day of May 1654. are as followeth, viz.

Tuesday the 30. day of May 1654.

Which day the foresaid Claims of William Tombes was amongst others on behalf of
the English Nation exhibited, and by the said Commissioners admitted.

Tuesday the 6. day of June 1654.

Whereas the foresaid Commissioners had Ordered and Decreed, that Repertories
should be made and exhibited of all the Claims exhibited on both sides, the foresaid
Claim of William Tombes was accordingly entred in the Repertory of the English
Claims, under the number 15. and in these following words, viz.

No. XV. William Tombes Executor of Sir Paul Pindar, Interested
in the Bona Esperanza and her Lading, seized in June 1643. in her pas-
sage for China by two Dutch men of War, and on the behalf of the Mari-
ners of the said Ship, demands for Damages 72564 l. as by his
Claims. No. XV. } l. s. d.
72564. 00.

Friday 21. July 1654.

Appeared before the said Commissioners, Mr. Kynaston on the behalf of William
Tombes English-man, and presented certain proofs relating to the fifteenth complaint
of the English, which proofs were written in Nine Skins of Parchment, under the great
Seal of the High Court of the Admiralty, together with the Translation of Eight Depo-
sitions

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sitions, and two Schedules; contained in the said Instrument and Translated into *Latine*. All which the said Commissioners did admit so far as by Law they are admissible.

Tuesday the 25. day of July 1654.

Which day the said Mr. *Kynaston*, on behalf of *William Tombes* aforesaid, exhibited a certain Indenture contained in two Skins of Parchment, wherein he alledged that the Interest of Sir *Paul Pindar* to whom the said Mr. *Tombes* is Executor, is set forth, which being admitted; he produced as a Witnesse upon the said Indenture *Robert Cusse*, who being admitted and Sworn, declared that he was present at the Signing, Sealing, and Delivery of the said Instrument, as by his Deposition or Affidavit endorsed on the back thereof more plainly may appear, whereto he subscribed with his hand, and acknowledged the same being repeated to contain the truth.

Tuesday the first day of August 1654.

The said Mr. *Kynaston* appeared and alledged that the Cause on the behalf of *William Tombes* touching the Ship *Bona Esperanza*, was fully instructed and ready for hearing; at whose Petition the Commissioners Decreed that the said Cause should be heard on *Thursday* next in the Afternoon, in case the Claims touching the Ships, *Concord* and *St. Anthony*, which are first to be examined, be fully discussed by that time.

Thursday the 3. of August 1654.

Which day was wholly spent in the examining the Cause touching the Ship *Concord* aforementioned.

Friday the 4. day of August 1654.

Before the said Commissioners, the Deputies for the *Dutch East-India Company* being present, appeared Mr. *Thomas Kynaston* and *Henry Robinson* above-mentioned, at whose Petition the said Commissioners then 'monished the said *Dutch* Deputies to prepare themselves if they think fit, to the defence of the several Spoils whereof the *English* in their Claims (comprized under the Numbers 8, 9, 11, 15, 20, 24, 32, 33, 34, 40, 41, 46, 47, 50, 51, 52, 53.) have complained against the said *Dutch East-India Company*, which they intended to hear upon their first opportunity.

Extractum hoc concordat substantialiter cum Originali

Quod attestor

Guilh. Chrymes Actuar. Assumptus.

The 13 day of *August 1654* personally appeared before me *William Chrymes* Notary Publicque, Mr. *Thomas Kynaston*, and protested of his diligence in seeking and endeavouring after the obtaining a certain cause by him solicited on the behalf of Mr. *Will. Tombes* and others the Interested, in the presence of

Ex. Tho. Bedford.

Ex. Edm. Arnold Not. Public.

William Tombes finding that the *Dutch Commissioners* would not do him justice in England, was unwilling to follow them to *Amsterdam* as they desired, to proceed against the Company, where *Jonas Abeels* had done for Sir *Paul Pindar* before; and being very sensible how tedious, vexatious, and expensive the Court of *Holland*, the *Hogen Rade*, and the *Revisions*, were at the *Hague*, after the first Trial was over before their competent Judges (as they call them) in the Cities; Considering those things, and being afflicted with some other troubles, he was not able to contain himself with patience, but chose rather a quick dispatch and hanged himself in the year following: Whereupon Letters of Administration de bonis non cum testamento annexo of Sir *Paul Pindar* were granted to Sir *William Powell* alias *Hinson*, who claims the part and proportion due to Sir *Paul Pindar*; and Sir *Edward Littleton* did by his Deed of Assignment dated the 23 of *August 1656*. grant and assign all his right, property and Interest of, in, and unto the said Ships, Goods, and Effects whatsoever, unto *John Ayton*, *George Catew*, and their Assigns for ever. And although they could not appeal for justice to the Parliament before *Cromwell's* Usurpation, being Delinquents, and in *Cromwell's* time could not prosecute their pretences in *Holland* being his declared Enemies; yet now our Good Hope is, that we shall receive our good Adventure with reparation and damages, since the King of Great Britain is restored: Therefore I shall now go forwards, and prosecute the Suit begun at the *Hague*.

C. C.

THE UNIVERSITY OF CHURCHILL

TO THE HONORABLE THE LORDS OF THE PRIVY COUNCIL

SIR GEORGE DOWNING

ESQ. SECRETARY OF THE WAR OFFICE
MILITARY CAMP BARRACKS, &c.

FOR THE PURPOSE OF THE UNITED KINGDOM

IN THE YEAR 1873

THESE ARE THE CONDITIONS OF THE CONTRACT
ENTERED INTO BETWEEN THE SECRETARY OF THE WAR OFFICE
AND THE UNDERSIGNED, IN RESPECT OF THE
CONSTRUCTION OF THE MILITARY CAMP BARRACKS,
AND THE PURCHASE OF THE LANDS REQUIRED THEREFOR,
IN THE PARISH OF ST. MARTIN, IN THE CITY OF LONDON.

IT IS HEREBY AGREED THAT THE UNDERSIGNED
SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE
MILITARY CAMP BARRACKS, AND FOR THE PURCHASE
OF THE LANDS REQUIRED THEREFOR, IN ACCORDANCE
WITH THE CONDITIONS HEREIN CONTAINED.

IN WITNESS WHEREOF, THE SECRETARY OF THE WAR OFFICE
HAS HEREUNTO SET HIS HAND AND SEAL, AND THE
UNDERSIGNED HAS HEREUNTO SET HIS HAND,
THIS 10TH DAY OF APRIL, 1873.

THE CITY OF NEW YORK

IN SENATE

January 11, 1877

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE

ON JANUARY 11, 1876

ALBANY:

JOHN B. LANE, PRINTER

1877

THE CITY OF NEW YORK

IN SENATE



To the Right Honourable
St George Downing K.

Envoy Extraordinary of His Most Sacred
 MAJESTY of Great Britain, &c.

To the States General of the UNITED PROVINCES.

MUCH HONOURED SIR,

Dividers of their Countrey, Especially such as
 are found for their Abilities fit to serve the
 King in Forraign affaires, have commonly those
 faculties which render them most worthy of
 Honourable Employments, and they which are
 capable to deal with the Hollanders are known
 to be couragious, patient, and faithfull.

Your Honour may please to remember when I brought the Kings
 Letter to the States General at the Hague in April last, with his
 Majesties directions to your self, strictly commanding you to require
 speedy satisfaction & reparation for the loss of the Bona Esperan-
 za and Henry Bona Adventure of London, two Ships as signifi-
 cant in their names as the Damages grievous in their nature, I told
 your Honour there was just grounds of Complaint, which should
 be vigorously prosecuted, wherein I have found great experience of
 your favour and constancy toward us.

Oratory is fitter for Comedies than Cases, I have therefore
 in plain terms set forth the true State of the whole matter, with
 some observations upon former proceedings to satisfie all persons
 concerned, that several actions and complaints have been brought in
 this case in the late distempered times, some of them through delay
 of Justice suffered non-suits, others by denial, and death of the
 parties abated, Moritur actio cum persona, and divers through
 the defect of Commissioners appointed to hear them were dismissed
 without

The Epistle Dedicatory.

without any determination. But this is incepta now brought in a Politique way in the Kings Name, with your assistance, those which are the sufferers poterunt litem inceptam prosequi, &c. Sir you have kept up our good adventure and good hope from sinking, and although their loadings were surpris'd in the Straights of Malacca & Malapricas if they be not restored by your friendly conferences, I doubt not but to receive them in the Downes, or Narrow-Seas, and question not a full satisfaction as clear as the Sun at Mid-day without abusing the Kings goodnesse, or deserving any punishment for making the world acquainted that since the East-India Company of the Netherlands will not acknowledge our right, its easily granted they must pay for doing us wrong. Honoured Sir, you have to doe with a Crooked Generation of men, and Nunquam efficies ut recte ingrediantur Cancri. I shall not trouble your Honour any further at present but to give you the most hearty thanks and prayers of all the interestted, and acknowledge my self

Ever Honoured Sir,

Your most Obligated Servant

GEO. CAREW.



To

To the Kings Most Excellent MAJESTIE

The Humble Petition of Sir John Ayton Knight, George Carew and Charles Whitaker Esquires, on the behalf of themselves and the rest of the Creditors of Will. Courten, Sir Edward Littleton and Sir Paul Pindar deceased, and of others Interested in the Ships Bona Esperanza and Henry Bona Adventure of LONDON.

SHEWETH,

That William Courten Esquire, and other Merchants in Company with him, were Authorized by Letters Patents under the Great Seal of England, to Trade unto the East-Indies, China, and Parts adjacent; and in pursuance thereof, settled several Factories and Plantations neer the Sea Coasts; convenient for Trade, and (amongst other Ships) let forth in the Year 1641. the *Bona Esperanza*, and *Henry Bona Adventure* of London.

That to carry on the said Enterprize, they became Indebted to Your Petitioners and others in many great Summes of Money.

That the East-India Company of the Netherlands, out of a designe to destroy Mr. Courten and others in their Shipping and Trade, violently Seized and Confiscated the *Bona Esperanza* in the Year 1643. and the Goods and Ships provisions of the *Henry Bona Adventure*, to the Damage of the Petitioners and the Interested 160000 £. and upwards, as by the Case annexed with the Accompt and Proofs taken in Your Majesties high Court of Admiralty; may appear.

That your Petitioners and others Interested, in regard of their Allegiance and Fidelity to Your Majesties most rightful Cause, were both hindered and denyed Justice against the East-India Company of the Netherlands, at home and abroad, although they often required the same.

Your Petitioners do therefore most humbly pray, That Your Majestie would be graciously pleased to interpose with the States General; and grant Your Petitioners Your Majesties Letter of Recommendation, requiring Speedy Reparation for the Damages aforesaid, according to the Rules of Justice; and the Proofs taken in Your Majesties Court of Admiralty; or otherwise to grant Your Petitioners Letters of Reprisal against the people of the Low Countries for satisfaction of the said Damages.

And Your Petitioners shall pray.

Presented to His
Majesty Feb. 27. 2
1662.

John Ayton
George Carew
Charles Whitaker.

The

ENTRE

Accounts of the Loss and Damages annexed to the Petition of Sir J. Ayton, &c.

| | |
|--|-----------------------|
| For 337 Bahar & 132 Cart of Pepper, containing 125,295 lb. taken out of the <i>Henry Bone Adventure</i> , and unjustly detained by the Governor of the Island <i>Mauritius</i> , and converted to the use of the <i>Dutch India Company</i> of the <i>Netherlands</i> , to the value of— | l. s. d. 7343-17-0 |
| For 10000 l. weight of <i>Spanish Iron</i> at 18 s. per Hundred, as it cost in <i>London</i> — | 0370-00-0 |
| For the Ammunition, Balls, Cables, Anchors, Victuals, Wine, Rice, with other Provisions and Necessaries of the Ship— | 1000-00-0 |
| | 8613-17-0 |

Besides, for Demurrage of two Ships that were sent purposely to take in the said Pepper, Iron, and other provisions saved out of the *Henry Bone Adventure*—

| | |
|---|-----------|
| For 10 Packs of Bays, Amber, Cloath, and other things carried from <i>England</i> in the <i>Bona Esperanza</i> , to the value of— | 1100-00-0 |
| Amber and several <i>Indian Wares</i> taken in <i>Arbora</i> , to the value of— | 1100-00-0 |
| For 40 Bahs of Pepper, 16 Cales of Cinamon, choyce polished Amber and other Merchandizes taken in at <i>Carnar</i> and <i>Gao</i> , valued— | 1700-00-0 |
| [All which are particularly mentioned in the deposition of the Admiralty.] | 5000-00-0 |

For 180 Tons of the *Bona Esperanza* let to Freight to the *Portugals* from *Gao* to *Macao* at 1000 *Rials*, to be paid there in Goods or Money, and every *Rial* of eight being then worth 5 *Shillings*, would have yielded two for one invested in Merchandise from thence to *India*—

| | |
|---|-----------|
| For 31000 <i>Rials</i> of eight for the Freight back from <i>Macao</i> to <i>Gao</i> , which yielded usually two for one in the Trade for those Parts— | 8000-00-0 |
| 1750 l. <i>sterling</i> left at <i>Canton</i> in ready money in a former Voyage to be laid out in <i>China Wares</i> , and lost by disappointment of the Ship, and the Papers that were taken away from the Factors and Mariners— | 1750-00-0 |

19750-00-0

That 19750 l. invested in *India Commodities*, would have yielded in *England* upon Returns from thence three for one, which is—

| | |
|--|------------|
| The Ship <i>Bona Esperanza</i> with Ammunition, Tackle and Apparel, worth when so be sold— | 59350-00-0 |
| For the Freight of the whole Burthen— | 4000-00-0 |
| The Mariners particular Losses— | 10000-00-0 |
| | 2554-14-0 |

By the *Bona Esperanza*—

By the *Henry Bone Adventure*—

75804-14-0

08613-17-0

84418-11-0

The principal Damages that Voyage—

Interest for Eighteen years at 5 l. per Cent.—

160316-11-0

Besides the insupportable loss of Trade, the Murder of the Master and seven of the Mariners, the rest imprisoned and kept in Irons a long time after, to the ruin of their wives and children, all to be accounted and compensated accordingly.

LETTRE

LETTRE

Aux Hauts & Puissans

SEIGNEURS

LES

ESTATS GENERAUX

Des PROVINCES UNIES.



Aux & puissans Seigneurs nos bons amys allies & Confederez, sur les plaintes reiterées que nous venons de faire, plusieurs de nos bons sujets les interressés aux navires la Bona Esperance & le Henry Bon Adventure de Londres, nous ne leur avons seu refuser les fruiets effectifs de ceste protection que nous devons à tous nos sujets, ven particulièrement, que c'en sont de ceux qui ont fort merité de nous par du attachement fidelle à nos interrests ce qui à mesme différé durant les derniers desordres arrivez en nos Royaumes la satisfaction qui ils auroyent peu se promettre d'un aussi si juste, nous avons donné ordre au Chevalier Downing nostre Envoyé Extraordinaire de vous faire sçavoir l'affaire au long avec les preuves évidentes qui en ont esté faictes dans Nostre Cour d'Admirauté, & ce qui c'est passé en suite de cela, par un L'empereur Juge de la justice de la cause, qui a esté recognu mesme des parties adverses & quelque satisfaction en ayant esté desia donnée pour ce qui de nous aux fraudes & grossiers, mais qui ne doit nullement prejudicier aux personnes qui y ont le vray interrest; l'affaire estant d'une valeur tres considerable & qui fait seule les fortunes de tant de nos bons sujets, Nous nous trouvons obligés de vous la recommander avec d'autant plus d'empressement, & d'en demander tres instamment satisfaction selon les preuves qui en ont esté faictes & suivant les regles de la justice & de ceste Amicitie & bonne correspondance que nous souhaitons conserver toujours ferme & inviolable avec vous, ce n'est pas en effect sans regret que nous sommes contrainct par les justes plaintes que nous font de jour en jour une suite de vous donner des importunités de ceste nature; Mais les soins & veilles perpétuelles que nous faisons pour leur bonheur Nous devons particulièrement interresser à tout ce qui leur arrive, & l'on se doit bien assurer qu'on ne pourra les molester aux moindres circonstances de leur commerce sans nous choquer & nous engager en mesme temps aux efforts d'un juste ressentiment. Au reste nous nous remissions aux loix de nostre amitié commune pour une prompte satisfaction dans ceste affaire priant le Seigneur de vous avoir honte & puissans Seigneurs, nos bons amys allies & confederés, en sa sainte Garde. Escrit à nostre cour à Westminster ce 21. Mars l'an 1662. & de nostre reign le quatorze.

Vostre bon amy

CHARLES R.

Concordat cum Originali

Edw. Nicholas.

GA

Edw. Nicholas.

To

To Sir George Downing, about the *Bona Esperanza* and Henry
Bona Adventure.

CHARLES R.

Trusty and Wellbelov'd, We greet you well; You will herewith receive Our Letters to the States General, in favour of several of Our good Subjects interessed in the good Ships the *Bona Esperanza*, and the Henry Bona Adventure of London; wherein We thought good at the humble Suit of Our said Subjects, and out of the gracious sense We have of their unjust sufferings in that business, particularly to recommend it to the said States General, that a full and speedy satisfaction be made to Our said injured Subjects; which We will that upon the Delivery of Our said Letters, you fully represent in Our Name to the said States, together with the sense We more especially have of the evident Oppression and Violence so many of Our good Subjects have so long lain under: And further that you solicit by all good means a speedy issue and accompt of this Business, which we will that you thoroughly return unto Us, wherein We expect your best care and diligence. And so We bid you heartily farewell. Given at Our Court at Whitehall the 21 of March 1662.

By His Majesties Command. *Edward Nicholas.*

A True Translation of the Kings Letter from the French Original to the Lords States General.

Most High and Mighty Lords, Our good Friends, Allies, and Confederates; Upon the reiterated Complaints of many of Our Loving Subjects, the Interested in the Ships the *Bona Esperanza*, and the *Henry Bona Adventure* of London, We could not refuse the effects of that protection which We owe to all Our Subjects. Considering more especially that they are such as have very much ment by a faithful adhering to Our interests, which during the late disorders in Our Kingdoms, hindered them to crave that satisfaction which they might have assured themselves of from Us, in so just a Cause; We have therefore given Order unto Sir George Downing Our Envoy Extraordinary, to make known unto you the business at large, with the clear and evident proofs which have been made in Our Court of Admiralty, and that which hath intervened since concerning the same, whereby the justice of the Cause may be known, which by the Adversaries themselves have been acknowledged; and some satisfaction already given, although most grossly fraudulent, which will be not any way to prejudice the persons who have the true interest: The Business being of a very considerable value, and wherein the fortunes of so many of Our Subjects are concerned, We hold our selves obliged to recommend the same unto you with much importunity, and do earnestly require present satisfaction answerable to the proofs which have been made according to the Rules of Justice, and the Amity and good Correspondence which We desire with you ever to conserve firm and inviolable. It is not in effect without regret, that we are constrained by the just Complaints unto Us daily made of Our Subjects to importune you in this nature, but the Care and perpetual Desires which We have for their welfare obligeth Us particularly to be interessed in all that which occurs unto them; and every one ought well to assure themselves, that none can in the least circumstance molest them in their Commerce without assailing and thereby engaging Us at the same time to a just resentment thereof. We refer Our Self unto the Laws of Our Common Amity for a speedy Satisfaction in this business, desiring God to take Your High and Mighty Lordships, Our good Allies and Confederates, under his Holy Protection. Writ from Our Court at Westminster the 21 of March 1661, and of Our Reign the Fourteenth.

Concordat cum

Originalled in the
Edw. Nicholas.

Your good Friend

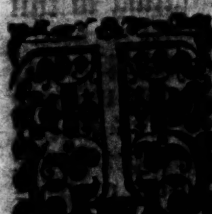
CHARLES R.

A MEMORIAL

Delivered unto

The States-Generall:

Concerning the Ships, Bona Esperanza, and
Henry Bona Adventure of LONDON.

 The underscritten Envoy Extraordinary of His most
Sacred Majesty of GREAT BRITAIN, &c. doth
herewith tender to their Lordships a Letter from
the King his Master, concerning two English
Ships belonging to London, the one called the
Bona Esperanza, and the other the Henry Bona Ad-
venture; the former whereof was in the Year 1654
violently seized upon in the East-Indies, between Goa and Maccao in a
hostile manner in the Straights of Malacca, by two Ships belonging
to the East-Indie Company of this Countrey, the one called the Ven-
dillo, and the other the Portogallo, whereof one Geland was Com-
mander in chief, and carried to Batavia; and there both Ship,
Goods and Tackle all confiscated: And the other having in the Year
1641, come on ground on the Island Mauritius, was there both Ship,
Goods and Tackle seized upon by some of the said Company.

The said Envoy Extraordinary doth in the same, and in per-
suance of most grasse Orders which he hath received from the King
his Master, demand that Satisfaction and Reparation be forth-
with made to the Persons interested and injured.

And whereas it may seem strange that this matter should be set on
foot at this time, when as in the Year 1654, Commissioners were
sent to England, who did end several matters relating to the East-
Indies; and likewise in the Year 1659, several matters of a later
date were also ended, and thereby a period put to all other matters
of difference which had happened about the same time, and were
known in Europe before the 10. of January in the said Year, it is to
be considered that the Persons interested in these Ships, were such
as for their singular and extraordinary duty to His Majesty of
blessed memory, Father to the King his Master, were rendered un-
capable of pursuing or obtaining their full right at home or abroad;
and upon that account it is that the business of these two Ships
remains yet in dispute, though several matters of a much later
date have been ended, and satisfaction given: And seeing this hath
been

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been the real occasion of this delay, the King his Master doth no
ways doubt but that their Lordships will in so much a more eminent
manner put forth and shew their Justice for their relief.

Given at the Hague this 19. April 1662. New file.

GEORGE DOVNING.


The Second MEMORIAL.

The undersigned Envoy Extraordinary of His most Sacred
Majestie of GREAT BRITAIN, &c. having yesterday again recei-
ved most strict Commands by the hands of one of the principal Se-
cretaries of State, from the King his Master, sitting in full
Council, earnestly to presse their Lordships the States General,
that Satisfaction and Reparation be forthwith made to the Persons
whose Cases are set down in his last Memorial; Both (as in Duty
bound) hereby make known the same to them, and desires that it
will please their Lordships to take such Resolutions thereupon as the
Justice of the said matters do require, and as may give content-
ment and satisfaction to His Majesty, whom the said Envoy Extra-
ordinary doth find to concern himself very much, and to be determi-
nately resolved to have Right done to His Subjects therein one way
or another.

Given at the Hague this 11. May 1662. New file.

GEORGE DOVNING.

Mr. Carow's Infimation to the East-India Company of the Netherlands.

 **C**Ik *George Carow* Schilt-knaep, als by den prerogative Hove van
Engelant, gheselt zijnde tot Administrateur van alle de
naeghelaten goederen van wijlen de Heer *Willem Courten*,
Ridder, in zijn leven woonachtich tot Londen in Engelandt,
als mede gemachticht by procuratie van de Heer *Willem Paul*
Ridder, Administrateur van alle de goederen, naeghelaten by
wijlen de Heer *Paul Pinder* Ridder, oock voor sijn selven, ende
de Heer *Joh. Ayton* Ridder, geassigneerde van de Heer *Edward*
Listleton Ridder, ende als procuratie hebbende van de Cura-
teurs, gheselt over den Boedel van *Willem Courten* zal' ende andere geïnteresseerde,
in de Negocie op Oost-Indien, volgens Oefroy van sijne Majesteit *Carol d'Erste*
hooghloffelijcker memorie verleent, in den Jaer 1635, in diert qualiteit verfoeckende,
al soo gemelten *Willem Courten* zal' by de Ministers van d' Oost-Indische Compagnie
beichadicht is geweest, in den Jaer 1642. door het onthouden der geberghde goederen,
Ammunition ende Scheeps-gereetschappen, uyt het Schip genaemt de *Henry Bonaven-
ture* op 't Eylandt v: n *Mauritius* aen Landt, ende in possessie van *Adrian vander Stelt*
gebracht,

gebracht, als oock door 't vyantlijck aentasten en veroveren van 't Schip genaemt *Bonk Effrance*, in den Jaer 1643. in de Straet van *Malacca*, door twee Schepen van Oorloge, genaemt de *Vandela*, ende *Poringallo*, d'Oost-Indische Compagnie toebehoorende, tot *Batavia* opgebracht ende aldaer geconfisqueert, ende alsoo sijne Majesteit van Engeland *Karel de Tweede*, by sijne Missive aen haer Ho: Mo: de Heeren Staten Generael, in date den 21. Martij laetteden, versoekt heeft dat den gemelten *George Carew* in sijne qualiteet voorz. mocht hebben vergoedinge over de schade aen meer gemelte *Willem Courten* zalt: ende sijne mede-geintencificeerde aenghedaen als voorschreven is, dat ghy Notaris onder genoemt u soude willen transporteren ter camere van d'Oost-Indische Compagnie alhier, ende van de Heeren Bewinthebbers, versoeken dat sy soudén gelieven hare Ho: Mo: de Heeren Staten Generael te dienen van bericht, om al.oo voort te procederen tot vereffeninge ende vergoedinge van de voorschreve geledenen schaden.

Heden den achtsten May anno 1662. hebb' ick *Henrick Venckel*, by den Hove van Hollandt Geadmitteerden Openbaer Notaris t' Amsterdam resideerende, ten verioecke van den Heer *George Carew* Schilt-knaep, my getransporteert ende vervoecht in 't Collegie van de Heeren Bewinthebberen der Geoctroyeerde Oost-Indische Compagnie Camere deser Stad, ende aldaer ter vergaderinge van de gemelte Heeren, 't bovenstaende verioeck voor-gelesen ende bekent gemaect. Waer op 't gemelte Ed: Collegie schriftelijck ter antwoorde gaf, dat sy bereydt sijn, 't bericht dien aengande aen hare Ho: Mo: te geven, soo haest ende als wanneer haer Ho: Mo: sulcx van de gemelte compagnie sullen komen te vereytschen. Aldus gedaen binnen Amsterdam: present *Abraham Koek* ende *Theodorus Crom* als Getuygen.

Quid Assessor

HENRICK VENCKEL.

Notaris Publicus.

To the Worshipful Mr. *Vandam* Advocate to the
East-India Company of the Netherlands, and the
rest of the Commissionated *Bewinthebbers* resident
at the HAGUE.

SIRS,



Thought it convenient before I return for England, to use all ways and means for an accommodation, that the East-India Company of the Netherlands may be left without excuse, as also the States General, if any thing happens to the prejudice of the Publique for a private Difference, which might be composed upon reasonable and honourable Conditions. And lest you should suffer by any mistake, I have given order to this Gentleman (the Bearer

hereof) to shew you my Answer by way of Reply to your Objections, concerning the Treaties of 1654. and 1659. made with the two late Usurpers Oliver and Richard. I told you in my last, that an Amicable conclusion would conduce more to your Advantage than a Publique dispute: It's possible you may think to evade our Pretences by Practise or Pleading, and forget what you have gotten by destroying that foundation which Sir W. Courten laid in his Trading voyages to China and

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Japan. Please to be as ingenious in your speedy Answer, that it may not be unpertinent, as I am to you in what I intend for Replication. I hope you will deal justly, and restore what you have violently taken from us; otherwise you may be well assured the Interessed will expose the rest of their fortunes and endeavours to acquire a due Satisfaction, and no ways despair in so just a Cause of the assistance and protection of him that is able to revenge injuries and oppressions. I only wait for an Answer to several Memorials, &c. given in to the States General on our behalf, that the King may understand your meaning, whether you desire a fair correspondency with the Crown of England, or not. I have no more to say within my Commission, but to let you know that I am and desire to be

*Hague June 7th
1662.*

Your assured Friend and Servant

George Carew.

*At the Court at Whitehall the 6th of June 1662.
Present*

Lord Chancellor

Lord Treasurer

Lord Privy Seal

Duke of Albemarle

Marquiss of Dorchester

Lord Great Chamberlain

Earl of Portland

Earl of Anglesey

Earl of Carlisle

Earl of Carbery

Lord Seymour

Lord Hatton


Sir William Compton

Mr. Treasurer

Mr. Vice-Chamberlain

Mr. Secretary Nicholas

Mr. Secretary Morice.

 *Upon the Petition of Sir John Ayton Knight, George Carew and Charles Whitaker Esquires; on behalf of themselves and the rest of the Creditors of William Courten, Sir Edward Littleton and Sir Paul Pindar (this day read at the Board)*
Shewing that the Petitioners in pursuance of His Majesties Letters of the 21 of March last, to the States General at the Hague, requiring Satisfaction and Reparation for the two Ships, the Henry Bona Adventure and Bona Esperanza, belonging to Mr. Courten, which were violently taken and confiscated by the East-India Company of Holland, contrary to the Laws of Nations,

tions, and common Right ; And that His Majesties Envoy Extraordinary with the States being fully instructed, had fairly proceeded therein, in order to the Ascertaining of their Damages sustained thereby : And that notwithstanding the Commissioners of the East-India Company of Holland have acknowledged the Fact, and are by Advocates, on both sides, sufficiently convinced, that they ought to give Satisfaction accordingly ; Yet the States General do hitherto delay to give Answer to the several Memorials delivered in reference to His Majesties Letters, albeit they have been pressed by daily solicitations ; out of designe (as is conceived) of having the Treaty perfected with an utter exclusion of the Petitioners ; which would tend to their unsupportable loss, the ruine of many hundreds of poor persons, the unconscionable advantage of their Adversaries (the Dutch) and discouragement of all English Merchants from Trade. Upon consideration whereof, It was Ordered that Sir George Downing Knight, His Majesties Envoy Extraordinary with the States General of the United Provinces of the Netherlands at the Hague, do further and effectually proceed with the said States according to His Majesties Letters aforesaid, in requiring due Satisfaction to be made for the Damages sustained by His Majesties said Subjects, and procure their speedy Answer to such their just Demands ; And thereupon to Report the same to this Board with all convenient speed.

EDVV. WALKER.

AU ROY de la GRAND BRETAGNE.

SIRE,

Nous escrivîmes à Vostre Majesté il y a aujourd'hui huit jours, au sujet d'une affaire, sur laquelle nous attendons une réponse d'autant plus favorable, que le procédé de l'Admiral de Londres, dont nous nous plaignons en nostre lettre, choqué également le droit des gens et la Souveraineté de Vostre Couronne. Présentement nous nous trouvons obligés de vous entretenir d'une affaire moins importante en effet, mais dont les suites pourroient estre assez fâcheuses, pour nous solliciter à les prévenir par des éclaircissements nécessaires pour la conservation de la bonne Intelligence entre Vos Royaumes et ces Provinces. Il a plu à Vostre Majesté par sa lettre du 21. Mars dernier, que nous avons reçue le 20. Avril en suivant, nous presser de faire donner satisfaction aux intérêts des deux Vaisseaux, nommés la Bonne Esperance et Henry Bonaventure, dont l'un fut pris en l'An. 1643. par deux Vaisseaux de la Compagnie des Indes Orientales de ce Pais, dans le destroit de Malacca ; et l'autre eschoua presque au mesme

ramps sur les costes de l'Isle de Mauritius, ou les gens de la mesme Compagnie profiterent des Marchandises, qui en furent sauvées. Ce n'est pas a nous a justifier le procedé de la Compagnie des Indes en cette rencontre, mais nous ne pouvons pas nous plaindre point de l'audace de ceux, qui ont le front d'importuner Vostre Majesté, et de mandier son intercession pour des affaires, non seulement Vieilles et surannees, mais aussi telles que nous ne les pourrions accorder avec honneur, ny eux les demander en conscience. Ce qui s'est passé l'An. 1654. et le traité fait l'An. 1659. ont esté et mortifié les prétensions de cette nature, de sorte que nous nous en pourrions servir comme d'une raison generale contre toutes les demandes de cette nature, et nous dispenser d'une explication plus particulière sur celles qui font parler presensément Vostre Majesté. Et neantmoins nous voulons bien l'Informier tres particulièrement de l'Estat de cet affaire, pourveu qu'elle nous permette de protester icy, que nous ne pouvons pas nous engager a une nouvelle recherche des choses reglées par des traittes precedents, et que ce n'est que pour cette seule fois, et pour demander justice de ceux, qui abusent de la bonté de Vostre Majesté, et de nostre patience, que nous deslions par maniere de dire, une affaire, dont la memoire devroit estre abolie il a long temps; Nous ne nous offendons point sur les raisons, que la Compagnie peut avoir eues, pour prendre le Vaisseau la Bonne Esperance, et pour se prevaloir des debris de celui de Henry Bonaventure abandonné par le patron et par les Matelots Anglois; Mais nous nous contentons de répondre a celles, dont on s'est servi pour surprendre la religion de Vostre Majesté, et pour l'obliger a recommander leurs interress mal-fondés. Nous voulons bien croire, que les interressés en ces deux Navires ont rendu de singuliers services au Fen Roy de la Grand Bretagne, de tres glorieuse Mémoire, mais ils ont fait violence a la verité quand ils ont voulu faire croire, que ces services les ont empêchés de parler pour leurs interress sous les Usurpateurs. Nous pouvons faire voir, et en avons mis les preuves entrecroisées entre les mains de Vostre Envoyé extraordinaire que ces interressés bien loin de s'obliger leurs bien pendant les troubles, ont bien expressément formé leur demande par escrit par devant les Commissaires établis en l'An 1654. sous le nom de William Toombs, en qualité d'Exécuteur du Testament de Paul Pindar, qui est celui de la part duquel on poursuit aujourd'hui la mesme demande, laquelle ils ostendirent des lors jusque a la somme de soixante deux mille, cinq cens, quarante Six livres Sterlings. Il n'estoit point de tout necessaire neantmoins que les dits Commissaires decidassent ce differend, Ven qu'il avoit déjà esté unié par une transaction entre les parties a l'Amiable, moyennant la somme de quatrevingts cinq mille livres tournois, que la Compagnie des Indes de ce Pais a effectivement payée. Les interressés semblent presupposer, que Jacob Pergens & David Goubart, qui ont fait cette transaction n'estoyent point qualifiés pour cela: mais nous avons en main, et avons communiqué a Vostre Envoyé Extraordinaire, des preuves au contraire si evidentes, que le Soleil ne l'est pas plus en plein midy. Goubart estoit propriétaire en partie du Navire la bonne Esperance, et en avoit romé la direction de la part de tous les autres interressés, et en cette qualité Il l'avoit loué a William Courten qui l'avoit fretté, et qui a passé procurator en bonne forme pour ses interressés a Jacob Pergens. Ceux qui renouvellent aujourd'hui ces poursuites mal fondées ne le peuvent pas nier, ny contester les actes authentiques, comme la procuration, la transaction, le cautionnement, l'ordonnance et la quittance, que l'on produit pour cet effect; C'est pourquoy ils se sont adreissés de dire, que William Courten n'a pu passer procurator, ny presider au transport, qu'il auroit fait de son droit a Paul Pindar des le mois de Decembre 1642. Mais nous opposons a cette raison contraincte les lettres et les declarations expressees du Fen Roy Vostre Pere, d'immortelle memoire, qui en nous eservant du 9. Octobre 1647. s'est a dire cinq Ans apres et pres du transport, dit bien precisement, que ces deux Vaisseaux dont il est question, appartenant a William Courten, et non a Paul Pindar. Il confirme cette verité dans une autre lettre, que sa Majesté escrit du mesme jour au Sr Botwell, alors son Resident aupres de nous, en il luy recommande bien expressément les Interressés dudit Courten, et luy ordonne d'assister de son Conseil et de ses Sollicitations ledit Jacob Pergens, qui faisoit les affaires de William Courten en ce Pais. Nous ne pouvons sans faire tort a la Mémoire du Fen Roy, alleguer les lettres de la Maison des Seigneurs d'Angleterre, qui confirment ce que nous venons de dire: mais nous

nous croyons y devoir adjonster, que ledit Paul Pindar, ayant pu se résoudre en l'An 1651. affaire adjourner par devant les Eschevins de la Ville d'Amsterdam les Directeurs de la Compagnie des Indes Orientales en la Chambre de la mesme Ville, et a conclure a ce qu'ils fussent condamnés a luy payer la susdite somme quatrevingt cinq mille livres tournois, Il n'a pas continué ces procedures quand il a esté informé de choses cy dessus mentionnées, et il ne se trouvera point, que depuis ce temps là il ait fait aucunes poursuites en ce Pais. Ce qui est une preuve inuincible de l'Injustice de ses pretensions, et nous fait esperer que Vostre Majesté ne laissera pas impunie l'audace de ceux, qui par des plaintes injurieuses et mal fondées pourroient troubler la bonne correspondance, que nous pretendons cultiver toujours de nostre costé entre Vos sujets et les nostres. Nous esperons aussi que Vostre Majesté connoistra en ce que nous venons de dire, l'equité de nostre procedé, et l'incerite de nos intensions, a entretenir religieusement l'amitié qui jusques icy a esté si utile a l'un et a l'autre Estat, et a meriter l'affection, qu'il a plu a Vostre Majesté nous resmouigner. Nous nous en promettons les effets, et cependant nous prions Dieu.

SIRE

De combler le Regne de Vostre Majesté de felicité et de voir Vostre Personne Royale de santé et de tres longue Vie. A la Haye le 22. Juin 1662.

De Vostre Majesté Bien humbles Serviteurs Les
Estats Generaux des Provinces Unies des Pais Bas.

Jolan van Schriecker.

Par ordonnance d'iceux

J. SPRONSEN.

The Translation of the States Letter to the King, June 22. 1662.

WE did write to your Majesty some eight dayes agoe in relation to a businesse whereto we Expect your answer, so much the more favourable, as the proceedings of the Admirall Court at London (of which we complained) entrencheth equally upon the Law of Nations and the Sovereignty of your Crown; now we find our selves obliged to write to you of a businesse of less importance in effect but whereof the consequences may prove so troublesome, that they Invite us to prevent them by a necessary clearing thereof, for the preserving of a good Intelligence betwixt your Kingdomes and our Provinces. It pleased your Majesty by your letter of the 22. of March last (which we received the 20. of April after) to presse us to give satisfaction to the Interested persons in the Two Ships called *La Bonne Esperance* and *Henry Bonaventure*, whereof the one was taken Anno 1643. by two Ships of the East-India Company of this Countrey in the Straits of *Mallacca*; and the other about the same time, struck upon the Coast of the Isle *Mauritius*, where the people of that same India Company, made their benefit of the goods that were saved. We are not to justify the proceedings of that Company in that Encounter, but we cannot but complain of the boldnesse of those who are so impudent as to importune your Majesty, and to crave your Intercession in a businesse that is not only so inveterated and overgrown with years, but also such as we cannot with honour condiscend to, nor they with a good conscience demand; That which past in the Treaties of Anno 1654. and 1659. having Extinguished and mortified all pretensions of that nature, so that we might serve our selves therewith, as with a General reason against all such demands, and justly be dispensed with from giving any more particular accompt of that your Majesty recommends to us, yet we will inform your Majesty most particularly of the true state of that businesse, Provided that your Majesty permit us to Protest, that we cannot ingage our selves to make a new research of things concluded by former Treaties, and that shall only be for this one time, and to crave justice to be done upon those that have abused

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abused both your Majesties goodnesse and our patience, in ripping out of the grave (as we may say) a business, the Memory whereof ought long agoe to have been abolith'd: we shall not enlarge our selves upon the reasons, which that Company might have had to take the Ship *La Bonne Esperance*, and to make their benefit of the Ship-wrack of the *Henry Bonaventure*, being abandoned by the *English* Master and Mariners; we shall content our selves to answer to those Allegations which the pretended Interested have used to surprize your Majesties goodnesse, to move you to recommend to us their so ill-grounded interests: we will believe that the Interested in these two Ships, did very great service to the late King of glorious memory, but they say more then truth, when they would make beleive, that these services hindered them to crave reparation in the Usurpers time, for we can make it appear, and have sent the convincing Prooves to your extraordinary envoy, that they were so far from daring to do it, that they gave in their demands in Writing to the Commissioners established *Ann* 1634. under the name of *William Tombes*, as executor of the Testament of *Paul Pindar* in whose behalf the suit is now renewed, which was extended then to the sum of 72546. *sterl.* It was not necessary that the said Commissioners should have then decided that difference because it was already deced by an amicable Transaction betwixt the parties for the sum of 85000. *Livers Twente*, which the said Company really paid, though the Interested seem to presuppose that *Jacob Pergeus* and *David Gombert* (who made this Transaction) were not qualified to do it: but we have by us, &c have communicated to your extraordinary Envoy, such evident Prooves on the contrary, that the Sun is not more Cleer at Mid-day. *Gombert* was Owner of a part of the *Bonne Esperance* and was impowred by all others that were Owners thereof, and in this quality *William Courten* hired her from him and fraughted her, and made a legal procuracion of his Interest to *Jacob Pergeus*; Those that now renew their ill-grounded suit can not deny it, nor controlle the Authentique Acts and Deeds past, as the Procuracion, the Transport, the Assurances, the Orders and Discharges which are produced; Therefore, they have admitted to say, that *William Courten* had not power then to give a Procuracion in prejudice of the Deed of Conveyance, which he made of all his right in these Ships to *Paul Pindar* in *December* 1632: But we oppose this new forgery by the expresse Letters and Declarations of the late King your Father of Immortall memory, who writing to us the 9 of *Oct.* 1627. five years after that pretended Transport, hath punctually that these two Ships which are now in question, appertained to *William Courten*, and not to *Paul Pindar*, and confirmed this truth by another Letter written the same day to *Sir William Boswell* his Resident then here. Whereby he recommends expressly the Interest of the said *Courten* in the said Ships, and commands him to assist by his Council and Sollicitation the said *Jacob Pergeus*, who prosecuted *Courten* business in this Countrey. We cannot without wronging the Memory of the late King, alledge the Letters of the House of Peers in Parliament to confirm what is said, but we conceive our selves bound in duty to add that the said *Paul Pindar* having had sufficient time to be resolved, in the year 1631. caused to be summoned the Directors of the *East-India* Company of *Amsterdam*, to appear before the Magistrates in the Stat-house there to hear themselves condemned to pay to him the foresaid Sum of 85000. *Livers Twente*, but he did not prosecute the summons when he was informed of the particular proceedings before-mentioned; and it will not be found that since that time be made any further suit in this Countrey, which is a most Invincible Proof of the Injustnesse of these new pretensions, and gives us hopes that your Majesty will not suffer unpunish'd the boldness of those, who by their injurious ill grounded complaints, would trouble the good Correspondence, which we daily study to entertain betwixt your Subjects and ours. We hope also that your Majesty will see clearly by that we have said the equity of our proceedings, and sincerity of our intentions to entertain most Religiously the Friendship, which hitherto hath been so profitable to both *Nations*, and to merit the affection which it hath pleased your Majesty to profess unto us, whereof we promise our selves the effects, and in the mean time Pray God, &c.

Your Majesties very Humble Servants the States General of
the United Provinces of the *Low Countries*.

ANTWOORT

Antwoort van de Heeren Staten Generael der Vereenigbde Nederlantsche Provinciën, op de Memorie door den Ridder George Downing extraordinaris Envoyé van syne Majesteyt van Groot-Britannien, &c. aen haer Ho: Mo: overgegeven den 20 April, 1662.

DE Staten Generael der Vereenighde Niderlanden gecommitteert ende overwoogen hebbende secker Memorael, by den Herte Downing, extraordinaris Envoyé van den Koning van Groot Britannien, &c. den 20 April ledieden aen hare Ho: Mo: gepresentaert, raechende onder andere seckere tinte Engelsche Schepen, t ene genaemt la Boone Esperance, ende t andere Henry Boone Adventure, daer van t eerste in den Jare 1643. soude wesen genomen in de Straet van Malacca door tinte Schepen van de Oost-Indische Compagnie deser Vereenighde Nederlanden, ende t laeste door de selve tijdt gestrandt wesende aen t Eylandt genaemt Mauricius aldaer niet sine Ladinge by die van de selve Compagnie soude zijn geslauct; verloechende by Herte extraordinaris Envoyé twinaemt, dat daer over prompte satisfactie, ende reparatie aen de geinteresseerden, en mishandelten, gedaen moge worden; met byvoegtinge, dat alhoewel het ten eerste aensien wat draecht soude kommen schijnen, dat de woys. laeche tegenwoordich op t Capijt werde gedaecht, nademaal in den Jare 1654. Committarissen gecommitteert, ende naes Engelandt gelouben zijn geweest, om al te doen verscheyde saecken Oost-Indien raechende, ende dat in den Jare 1659. wick waren getermineert gewordende de saecken van jonger daer, dat echer daer en tegen te consideren stonde, dat de geinteresseerden in de woys. Schepen haer loodsch hebben gesignaleert door den overleden Koningh Hooglofteliker Memorie dat sy selfs niet verben hebben declameren t gant haer toewijende, ende in diert boegen tot nu toe over t gene woys. is, noch gene reparatie bekomen hebben, alhoewel veel andere saken naet date van dien woysgeballen, sedert getermineert, ende wick oven de selve behovlycke reparatie gesicht zijn; hebben hare Ho: Mo: naer genomen informatie, over t gene woys. is, goet gebonden den woys. extraordinaris Envoyé daer opmits desen tot antwoort toe te boegen, dat hare Ho: Mo: gentsits souden kommen betwilligen, dat tenige saecken van date van den woys. Jare 1654. gepassiert ende woysgeballen, contrarieede solemnele Tractaten daer over tusschen beyde de Statien gemaecht, ofte wick anderen by het Tractaat van den Jare 1659. gemaect, als nu wederom lebden gemaecht, ende op nieuw in dispute gebracht souden werden, wat eedenen van exceptie daer toe wick souden kommen ofte mogen werden voergewent, als houdende sulchs van siet verbaerlijcke consequentie, en de capabel,

bel, om door veele nieuwe disputen over wel geassopierde saecken, de Partien ten weder zijden merckelijke te ontruften, ende de goede intelligentie tusschen de selve te verstooren, 't welck alhoewel by sich selven, ende allen genoeg is om daer op de voorsz. oude saecke van de handt te wijzen, gelijk hare Ho: Mo: ook van nu voortaan niet gemeynt zijn over saecken van diergelijke nature sich eenichsints in te laten, ofte tijdt te spenderen, ende moyete te doen, om haer op de eygentlijken toe-brachte van de selve te laten informeren) so hebben hare Ho: Mo: echter, om alle volderen wille, ende ten overbloeit, voorsz. dese reple alleen, in de voorsz. saecke, doch sonder tot anderen in consequentie te mogen werden getrocken, hem Hare extrordinaris Embay: wel vollen aentwisen, aerselick, dat de voorsz. geinteresserden, seer abusivelick, ende contrarie de waerheyt, haer tegens den voorsz. generalen Regul trachten te behelpen met de voorsz. hare voorgewende exceptie, van dat sy luydens als getrouwe Dienaers van den overleden Koningh, onsterfelijk Gedachtenisse selfs hare Actie niet souden hebben verben intenteren, gedeurende de jonghste disordres in Engelandt voorgeballen.

Ende ten anderen mede, dat oock buyten de voorsz. Tractaten voorsz. haer uyt saecke van de voorgeweden pretensie geen recht ter werelt geboren, ofte overigh is.

Wat het eerste belanght, is het soo verre van daer, dat de voorsz. geinteresserden, gedeurende de voorsz. disordres niet souden hebben verben reclameren 't gunt haer in desen was competerende, dat ter contrarie sy luyden daer over in den voorsz. Jare 1654. haren eych wel expresselijck voorsz. de wederzijts geordonneerde Commissarissen ingebracht, ende schustelick over gelevert hebben op de naem van Willem Toombs, als President van den Testamente van den Heert Paulus Pindar, uyt myens hoofde de tegenwoordige pretensie oock wederom wert gereclameert, hebbende den voorsz. eych doemales seer enormelick geertendeert tot twee-en-sebentich duysent hundert ses-en-beertich ponden Sterlings, gelijk alle 't selve naerder kan worden afgenooten uyt de Copie van den voorsz. eych hier nevens geboecht onder Num. 1. waer mede van oock de voorsz. voorgeweden exceptie, als tegens de notoir waerheyt voorgeselt, teene-mael komt te corrueren.

Wat nu het voorsz. tweede point aengaet, sullen hare Ho: Mo: in desen niet ophalen de rehenen waer door de voorsz. Oost-Indische Compagnie deser Vereenighde Nederlanden in den voorsz. Jare 1643. gesustineert heeft, gerechticht, ende genootsaecht geweest te zijn, het voorsz. Schip la Bonne Esperance, ontrent Malacca aen te halen, ende te confiscueren; nochte oock in wat boegen het voorsz. Schip de Henry Boone Adventure, by den Schipper, ende het Engelsche Scheeps-volk 't eenemael was geabandonneert met schriftelijke verklaringe dat sy haer leven niet in pericul wilden stellen om daer van yets te salueren, ende dat sy dienbolgende wel mochten luyden, dat het voorsz. volck van de voorsz. Nederlaefche Oost-Indische Compagnie haer best deden om 't voorsz. Schip, ofte d'ingeladen Goederen

Goederen van dien, soo veel doenlijk, te bergen, maer alleenlijk, dat over 't een ende 't ander verscheide klachten gevallen zijnde, eyndelijck de boorsz. saecke geheel ende al inder minne is afgehandelt, ende daer over getroffen een finael Accoordt tusschen de boorsz. Oost-Indische Compagnie deser Vereenighde Nederlanden ter eenre, mitgaders Jacob Pergens ende David Goubart, soo boorz hem selven, ende als procuratie hebbende van William Courten, ende andere geinteresseerden in de boorsz. differenten ter andere zijde, ende dat boorz een somme van vijf-en tachtich duysent Carolus Guldens, daer op oock het reel accomplissement ende d'effectieve voldoeninge van de zijde van de meergemekte Oost-Indische Compagnie is gevolght, als by Heere extraordinaris Enboyé uyt de Copie van 't boorsz. Accoordt, met d'Acte van Bozchtocie, mitgaders ordonnantie en quitantie alle onder Num. II. hier by geboeght, nader sal gelieven af te nemen, zijnde sulcks, dat de boorsz. David Goubart boorz $\frac{1}{16}$ is geweest Reeder ende Eygenaer van 't boorsz. Schip la Bonne Esperance, ende die van tijdt tot tijdt daer over uyt den hoofde van de gesamentlijke Reeders het bewint heeft gehad, gelijk hy oock in die qualiteyt het selve Schip aen den boorz. William Courten verhuurt ende dienhalven de certe partije gemaect ende geteekent hadde, behalven dat noch daer en hoben den boorz. Jacob Pergens tot 't geene boorsz. is, van alle de bozdere Reeders ende Eygenaers was geauthoriseert, by procuratie substitutiel op hem gepasseert den $\frac{11}{12}$ Mey 1648. daer van en den gemelten Heere extraordinaris Enboyé, indien hy sulcks soude mogen desidereren, mede Copie ter handt gestelt sal worden, hebbende vervolgens den boorz. Jacob Pergens den boorsz. David Goubart, mitgaders oock alle desselvs mede Reeders uytgehoft, ende effectuelijk voldaan, als hem Heere extraordinaris Enboyé, met exhibitie van de contracten ende quitantien daer over gemaect, ende gepasseert, ende noot zijnde, mede gedoceert sal worden.

Ende ten eynde hem Heere extraordinaris Enboyé boorz. oock bliken moge hoe abusivelijk tegenwoordich in dispute getrocken wert de qualiteyt die den boorz. Jacob Pergens tot het afmaecken van de boorsz. questie gehad heeft, soo zijn hier by geboecht onder Num. III. de procuratie daer toe den $\frac{17}{2}$ ^{Oktob.} _{Novem.} des Jaers 1645. by den boorz. William Courten op den selven Pergens gepasseert, mitgaders twee solemnele transporten van de boorsz. geheele Actie, 't ene van den 10 December, 1647. ende 't ander van den 22. Februarij 1648. daer op gebolcht.

Ende hoe abusivelick de boorsz. tegen woordige Pretendenten daer tegens hebben gelieven te poseren, dat de boorz. Paulus Pindar, uyt wiens hoofde sy luyden zijn agerende, al op den 19 December des Jaers 1642. Siilo Anglia, by transport van den boorz. William Courten, ende Edward Littleton, de boozgerderde Actie soude bekommen hebben, kan handtastelijck bliken eerstelijck uyt de Affidave van den overleden Koningh van Groot Britannien Hooghst. Gedacht: over 't selve subject aen hare Ho. Ho. gescreven den 9. October des Jaers 1647. daer by Hooghst-ged: sine Majesteyte uydruckelijck

verklaert, het recht over de voorsz. twee Schepen hier boven breeder geroot den voorn. William Courten, ende sulchs niet den gemelten Paulus Pindar te competeren, recommanderende dienbolgende, dat daer over aen den selven Courten satisfactie moge gedaen werden, ende noch naerder uyt de Missie by meer Hoogstged. sijne Majesteit ten selven dage eschreven aen den Heer Bolwel, doormaels van sijent wegen alhier gesidert hebbende, waer inne naer ene gelijcke verklaringe, den gemelten Heer Resident Boswel, by sijne Majesteit expresselijck gelast wert, sich over 't voorsz. Subject ten vollen te laten informeren van den voorn. Jacob Pergens, als hebbende het manement van Mr. Courten's affairen in Hollandt, ock hem Jacob Pergens daer inne te raden, ende van tijdt tot tijdt behulpelijck te zijn, naer sijn vermogen, welcke beyde Brieven mede hier nebens geboecht zijn onder Num. IV. daer by haer Ho: Ho: noch souden kommen voegen gelijcke brieven van het Parlament van Engelandt, ende meer andere Acten tot confirmatie van 't geene voorsz. is, indien de selve haer niet verscherpt hielden, dat den meer gemelten Heere extraordinaris Enboyt Downing, ende den Koningh van Groot Britannien sijn Meester, naer soo een solemnele verklaringe, ende voorschuit van sijne Majesteits Heer Wader ontfel: Gedacht: haer desen aengaende ten vollen sullen houden voldoen; konnende echter niet voorsz. bygaen, sijne Majesteit alhier in passant te informeren, hoe den voorn. Paulus Pindar, onaengesien 't geene voorsz. is, in den Jaer 1650. ende 1651. noch gelieft heeft gehad door sijne gemachtighden Jonas Abeels (welckers procuratie oock noch voorsz. handen is) de Bewinthebberen van de Post- Indische Compagnie ter Camere tot Amsterdam, over 't geene voorsz. is, in Rechten te betrecken, voorsz. Schepenen de selver Stede, ende aldaer te concluderen dat de gemelte Bewinthebberen gerondemeert souden mogen werden, aen den voorn. Pindar te betalen ende by prohibie te namptiseren de voorsz. somme van vijf-en tachtich duysent Carolus Guldens, by 't voorsz. Acchoot aen den voorn. Pergens ende Goubart beloost, met den interesse van de selve somme, sedert den dagh van den voorsz. Acchoot, tot de effectuele gemetinge toe, als by Extract uyt het Register ofte de Rolle van Schepenen voorsz. onder Num. V. hier by gaende, breeder kan werden afgenomen, edoch doormaels aen den voorn. Pindar of desselfs Gemachtighde 't geene voorsz. is voorgehouden, ende mogelijck oock hem door meer andere proeven, die mits het verloop van tijdt als nu hare Ho: Ho: niet konnen gesuppedieert werden, sijn notoir ongelijck vertoont geweest zijnde, heeft hy daer op de voorsz. buyten verder verbolgh gelaten, ende sedert de selve tijdt tot nu toe, dat wy konnen bevinden, dare over noyt eenige verdere poursuite hier te Lande gedaen, sulchs dat hare Ho: Ho: haer ten hooghden verwonderen, dat d' Executeur van sijn Testament in den voorsz. Jaer 1654. de onverschaeemtheit gehad heeft van die saecke wederom levendigh te maerken voorsz. Commissarisen in 't selve Jaer van wederzijden als boven gecommitteert, ende aldaer uyt saecke voorsz. te doen den voorsz. geroerden enozmen eyck van over de twee-en-sebentich duysent

pondent Sterlings, ende noch veel meer, dat sijne Eigenamen of yemant anders nyt sijne hofde, de voorsz. nu soo volkomenlijck gemortificeerde Actie, noch wederom na soo solemnele Traactaten van den Jare 1654. ende 1659. heeft derhen ophalen, ende daer over den Koningh van Groot Britannien importuneren, mitgaders Ho: Wro: de moete bergen om soo ouden ende ongesondterden sake andermael na te sien, ende versoecken hare Ho: Wro: insichten, dat hy Heere extraordinaris Envoyé doorn:., alle het selve nu den Hoofstgedachten Koningh van Groot Britannien soodanich gelieve te representeren, dat sijne Majesteit daer over tegens de Wervolgers van dien, moge betonen sijn rechtebeerdich sentiment, op dat annere daer doot mogen werden afgeschickt, sijne Majesteit ende haer Ho: Wro: over diengelijcke oude, ende alberepts gemortificeerde actien verder importun te vallen. Aldus gedaen ende gearresteert ter Vergaderinge van de hooghemelte Heeren Staten Generael in's Gravenhage den 22 Junii 1663.

JOHAN van SCHRECK

Ter Ordonnantie van de selve

J. SPRONSSSEN.

Replique du Chevalier GEORGE DOVNING Envoyé Extraordinaire de Sa Majesté de la Grand Bretagne, &c. Sur la Responce des Estats Generaux des Provinces Unies, sur son Memoire du 20 Avril 1662.

Delivrée aux dits Estats le 14. Julii 1662.



E souffigné Envoyé Extraordinaire de sa Majesté de la Grande Bretagne, &c. ayant reçu, examiné & considéré la Responce de leurs Seigneuries les Estats Generaux des Provinces Unies, du 22. Juin dernier, sur son Memoire du 20. Avril precedant, pour autant que le dit Memoire concerne deux Navires Anglois appartenants à Londres, l'un appellé la *Bonne Esperance*, & l'autre appellé le *Henry Bonaventure*, trouve que la matiere de fait dont on a fait des plaintes n'est aucunement déniée, mais confessée & reconnue. Mais touchant sa demande de dessus pour satisfaction & reparation aux personnes endommagées, il semble que leurs Seigneuries le voudroient éviter sur deux fondemens.

Le premier, *sur celui des Traictés es Années 1654 & 1659.*

Le second, *Que mesme sans lesdits Traictés il ne leur appartient ou reste aucun droit à cause de la dite pretention.*

Quant au premier, le dit Envoyé Extraordinaire ne peut qu'objecter, que non obstant que leurs Seigneuries au commencement de leur Reponse alleguent tortement les dits Traitez, & à la fin d'icelle accusent les personnes qui demandent satisfaction, de grande impudence, parce qu'ils osent (comme il leur plaît dire) faire revivre ou mettre en controverse des affaires ou prétensions, & d'en importuner le Roy de la Grand Bretagne, & de faire que leurs Seigneuries prennent la peine de les examiner: il n'y a pourtant dans la dite Reponse pas un mot pour expliquer comment ces choses sont effeintes & abolies par les dits Traitez, & certainement ceux qui voudroient par encore & papier donner satisfaction pour des domages si considerables, devroient parler clairement & distinctement, & mettre hors toutes disputes ce qu'ils pretendent & alleguent, dont le dit Envoyé Extraordinaire ne trouve dans la dite Reponse aucun mot: & s'il avoit pu passer dans la plus exacte & pleine examination d'icelle la moindre couleur & fondement pour allegation de cette nature, il ne les auroit pas importuné d'une Reponse sur ce point: Mais leurs Seigneuries luy donneront permission d'ajouter qu'il ne trouve ny en l'un ny en l'autre des dits Traitez aucune chose qui puisse empêcher cette reclamation.

Quant au Traité de l'An 1654, il estoit véritablement toutes prétensions au regard des domages faits durant la dernière guerre, comme il appert par le troisieme Article d'iceluy, mais ces choses estoient faites long temps auparavant, & n'y ont aucune relation, & le dit Traité estoit si loin de les abolir ou effeindre, que par le 30. Article d'iceluy un moyen particulier & extraordinaire a esté specifié pour donner satisfaction d'icelles, & si on pouvoit avoir pretendu que les complaignants n'avoient poursuivi ou accompli ce que de leur part devoit estre poursuivi & accompli selon le dit Article, ou que les choses eussent esté par iceluy aucunement finies & déterminées, ou qu'il y eust eu quelque clause ou mot denotant que les choses qui par ce moyen ne seroient esté terminées, non obstant que les complaignants auroient poursuivi & accompli ce que de leur part devoit estre poursuivi & accompli, seroient néanmoins abolies & coupées; il y pourroit véritablement avoir esté mis une telle prétention contre eux: mais les personnes endommagées combien qu'ils attendoient peu de bien des Usurpateurs en ce temps là, estoient tout à fait hors de faveur à cause de leur fidelité extraordinaire envers la Majesté de glorieuse memoire, & trois d'iceux esont exceptez & condamnés dans tous leurs biens: néanmoins se voyans dans la dernière nécessité ou de poursuivre le dit Article & faire leur demande ou estre pour jamais exclus & coupés de leur droit, une demande fut faite devant les Commissaires seants à Londres, dans le temps limité par le dit Article, & poursuivie, comme il apparaitra par l'écrit cy annexé marqué B. Num. I. mais le temps de 3. mois limité aux dits Commissaires fut expiré sans donner aucune sentence ou determination d'icelles. Et quant à l'autre remède mis dans le dit Article, à sçavoir par Commissaires des Cantons Protestants des Suisses pour déterminer dans 6 mois apres, toutes choses qui ne seroient décidées par les dits Commissaires à Londres; s'ils se fussent assemblez à cette fin, et les personnes interessées dans les dits Navires ne se fussent adressés à eux, il n'y eust pu avoir quelque couleur de prétention contre eux: mais ils ne se sont jamais assemblez, aussi n'estoit ce leur affaire, ny en leur pouvoir de les faire assembler. Et conséquemment cela ne leur estoit pas prejudiciable qu'ils n'avoient pas esté assemblez: mais au contraire une matiere de grief & d'injure, au seul avantage de la Compagnie Orientale de ce Pays, laquelle par ce moyen les a detenus tant d'années d'avantage sans satisfaction. Note que les Commissaires, que par le dit Article se devoient assembler à Londres ne l'eussent jamais eue, ou qu'ils n'eussent esté qu'apres le 18. May, le jour premy par le dit Article, apres lequel ne seroit admise aucune allegation, en pourroit on de la tirer un argument contre les Parties pour les frustrer de tous autres remèdes, ou que leur prétention seroit effeintes par le dit Traité? L'argument est le mesme à l'égard des autres Commissaires, lesquels se devoient assembler apres en Suisse; tellement qu'il n'y a rien plus clair que les personnes interessées dans les dits Navires demeurent *in statu quo*, & à leur liberté de demander justice & satisfaction par autres voyes.

Et quant au Traité de l'An 1659. il n'y peut encore rien estre plus evident & manifeste qu'en ce que le dit Traité ne coupe ny exclure cette affaire dans la moindre chose, parce

parce que la clause generale à la fin d'iceluy n'exclud, ny abolit par generalement toutes les affaires qui estoient cognees à Londres le 20. *Janvier* 1639. mais seulement (comme il appert par la dite clause), telles affaires qui estoient arrivées avant le temps que les Navires le *Peshillon*, *Frederic*, *François* & *Jean*, furent pris, surpris, & non pas, *surprins*, dont la cognoissance estoit venue à Londres le 20. *Janvier* 1639. Et l'occasion d'insérer cette clause generale estoit cellécy, qu'environ le temps que le *Peshillon*, &c. furent pris & confisqueés dans les Indes Orientales par la Compagnie Orientale Flamende ou un peu apres, & que ce fust à Londres le 20. *Janvier* trois ou quatre autres Navires Anglois furent arrezés par la dite Compagnie Orientale, mais apres quelque temps relaschez pour poursuivre leur voyage, & ainsi il fut consenty icy de donner satisfaction pour le *Peshillon*, *Frederic*, *François* & *Jean*, lesquels avoient esté pris & confisqueés, on insista absolument (comme quelques uns de leurs Seigneuries sçavent fort bien), & à la fin apres longs debats fut accordé, que s'ils vouloient donner satisfaction raisonnable pour ce qu'ils avoient pris & perdé, il leur seroit inserée pour couper les autres pretentions, pour des choses seulement futures pour quelque temps, mais apres rendues, & sur ce seul point fut inserée la dite clause, & tellement couchée qu'elle s'entendoit seulement là, & non pas ailleurs: c'est à dire d'abolir toutes pretentions pour toutes choses qui estoient arrivées dans les Indes Orientales environ le temps que le *Peshillon*, &c. furent pris, ou apres, & non pas *surprins*, comme il appert par la clause mesme cy annexée marquée B. *Nous*. Il n'en eust esté ainsi

Tellement que leurs Seigneuries ne peuvent que voir combien loin il est d'aupres
 prejudice ou contrariété aux dits Traitez des Années de 1659. & 1659. id'ayoir à cet
 heure mis cette prétention sur le tapis, & sur ce point on le pourroit avoir essuyé beau-
 coup plus : Mais puisqu'ils plén à leurs Seigneuries de l'admettre ; le dit Evoyé
 Extraordinaire n'ajoute plus de dessus, mais seulement de les faire souvenir, que ny
 l'un ny l'autre des dits Traitez estoient faits avec le Roy idm Maisny avec aucun de
 ses Predecesseurs, & par conséquent qu'il n'est aucunement obligé en rien de leur ad-
 vouer : Et cela estant ainsi, & que tout ce que la Majesté fait en les admettant, n'estoit
 d'une fondement que les inclinations envers ce Pays : ne seroit ce pas une recon-
 noissance bien étrange & une juste cause de provocation, & celle que la Majesté ne peut
 aucunement souffrir, de ne se montrer bien satisfait de leur accomplissement & obser-
 vation, selon la naïsse & genuine nature d'eux, mais de les détourner à usens forcés
 & extorqué aux prejudice de ses Subjects, & tel dont on n'a pas songé au temps qu'ils
 ont esté faits, et qu'on n'eust pu avoir demandé des Usurpateurs mesmes à veur lesquels
 ils firent faits, ny de la Majesté s'ils eussent esté conclus avec eux avec aucun de ses
 Predecesseurs.

210 Or quant à la seconde objection, à sçavoir, que mesmes sans les dits Traictés, il ne leur appartenait ou n'est aucun droit à cause de la dite prétension: Pour preuve dequoy il a plu à leurs Seigneuries d'alléguer deux choses.

En Premièrement, les raisons par lesquelles la Compagnie Orientale de ce Pays, justifie
sonz qu'elle n'est point d'avis d'estre contraincte d'arrestes & de laisser par le Navire de Douce
Esperance, & quant au Henry Bonaventure, qu'il est en sonnerement abondant par
la Durance & Malteses, & qu'ils offrent compas & ne font aucun difficulte que le peuple
de la Compagnie Orientale de ce Pays savaient le dit Navire avec sa charge.

Secondement, Que cette affaire a esté en fin entièrement & absolument terminée à l'amiable par un dernier accord entre la dite Compagnie des Indes Orientales des Provinces Unies d'une part, & Jacob Perrens & David Gombard d'autre part, lesquelz comme experts & procurateurs de William Courten & autres intéressés ; & ce pour la somme de quatre vingt cinq mille livres tournois, à quy la dite Compagnie, a réellement & effectivement satisfait en suite.

Quant au premier de ces arguments, le dit Envoyé Extraordinaire ne peut que remarquer que leurs Seigneuries n'y insistent pas du tout, mais seulement le touchent en passant, ny même ne le marquent pas de leur caractère, l'appellants seulement les raisons de la Compagnie, & sans spécifier aucun d'eux en particulier, & en effect ce n'est pas marvaille, puis qu'on ne pouvoit commettre une plus grande & inexcusable violence & vollerie, que celle de la prise de la *Bonne Espérance*, un Navire apparte-

tant à *Londres*, envoyé de là, tout chargé des Marchandises Angloises & Portugaises, *deux Nations estant alors en paix avec ce Pays* : & allant de *Gox* vers *Macao*, toutes ces places appartenantes aux *Portugais*, & ceians que ceux de la *Bonne Espérance* eussent donné le moindre sujet ou occasion de cette violence : Il ne se peut aussi voir une plus grande inhumanité que la dernière : le Navire le *Henry Bonaventure* n'estoit pas abandonné par le Patron ou Matelots, comme il appert par les escrits cy annexés marqués C. Num. I, II, IV. Mais quelques uns d'eux venans aux Flamens, pour les prier de les assister pour sauver leur Navire & Marchandises, ils ont pris & gardé tout pour eux-mêmes. Et quant à ce qui est digne d'un certain escrit signé par eux, qu'ils ne pouvoient hazarder leur vies pour sauver quelque chose : Leurs Seigneuries trouvant une réponse suffisante là dessus par les dits escrits, que les *Anglois* continuèrent de demeurer en leur Navire, & qu'ainsi par les loix & droitz de Gens ce n'estoit pas naufrage. Et encore qu'ils ont assisté pour sauver les Marchandises & les provisions du dit Navire, comme il se voit par les dits escrits, aux quels vous me permettez d'ajouter que la dite Compagnie depuis s'est accordée avec les *Portugais*, de leur payer la somme de cent mille Patcons pour leur interest dans les Marchandises qui estoient dans la dite *Bonne Espérance*, de laquelle somme quatre vingt mille Patcons furent effectivement payez : & quant aux *Anglois* dans le dit Navire, & dans le *Henry Bonaventure*, quoy qu'ils n'estoient pas du tout favorisés & appuyés en ce miserable temps par ceux qui avoient alors en leurs mains le gouvernement, neanmoins la dite Compagnie (pour gagner quelque pretexte de les avoir donné quelque satisfaction) paya à un certain *Jacques Pargens & Gombard* la somme de 85000 guldens, & ce dans un temps auquel les affaires de la Majesté de ce Royaumé estoient en son Royaume dans le plus grand désordre & confusion sans pouvoir donner la moindre assistance à quelque *Anglois* ou à un autre, étant environné le temps de son tres-exécrable meurtre : & personne ne doutera que si la dite Compagnie Orientale n'avoit pu aucunement justifier ce qu'elle a fait, elle n'eust pas payé à eux telle somme, spécialement en un tel temps.

Quant au second argument, dans iceluy est, vraiment, la spécification de la force de cet accord, & si l'accord fait avec *Pargens & Gombard* est un bon accord, à Dieu ne plaise que la Compagnie des Indes Orientales, en soit derobée l'importance, mais s'il n'est pas tel, les réclamans ont une belle & libre voye ou verte pour demander satisfaction, mais ne s'en est point vu le besoin.

Quant à la prétention de *Gombard*, elle est seulement sur 5 panes de 16 du Navire *Bonne Espérance*, mais il n'avoit rien à faire avec le Navire *Henry Bonaventure*, ny avec la charge de l'un ny de l'autre : & quant à son accord en ce qui touche son particulier, on l'admet pour bon & sans question. Mais quant au dit *Pargens* qui n'estoit pas intéressé dans les Navires ny dans leur charge, mais reclame en vertu d'une certaine procuration & transports de *Willem Courten*, le dit Envoyé Extraordinaire répond que la dite procuration & transports estoient tout à fait vuides & nuls, comme il appert par l'escrit cy annexé marqué D. Num. I. par lequel le dit *Willem Courten* avoit absolument transporté en l'Année 1642. tous les droitz & interests dans les dits Navires au Sieur *Paul Pinder* & au Sieur *Edouard Lissleux*, & ce sur une considération valide pour la somme de 88000 livres sterlings somme capitale prestée à luy.

Et outre cela, le dit *Courten* estoit déclaré insolvable & Bankroote pour la somme de 150000 livres sterlings (procedés de ses grandes pertes aux Indes) long temps avant la date la dite procuration & transports donnés au dit *Pargens*, comme il appert par l'escrit cy annexé marqué C. Num. III. & estoit conséquemment par les loix de toutes les Nations incapable pour faire aucun Acte de disposition de ses biens.

Et il n'est pas hors de propos d'observer que quoy que la Compagnie Orientale de ce Pays, desirant fort de gagner quelque pretexte, comme s'ils avoient achevé cette mesme hante affaire, paya cette petite & inconsiderable somme de 85000 guld. (car en effet elle estoit telle, non en la considération, mais en comparaison de ces pertes & domages) neanmoins elle sçavoit alors si bien, combien peu de fondement avoit la prétention du dit *Pargens*, qu'ils ne luy payassent un denier qu'après les avoir donné bonne caution de rendre la dite somme avec l'interest, s'ils seroient cy après troublez

cette affaire, comme il appert par l'écrit cy annex marqué D Num. IV. laquelle securité est tousjours bonne, de sorte que la dite Compagnie n'y peut rien perdre.

Et pour ce qui est en outre allegué, comme si le dit *Pergens* avoit effectivement payé & contenté tous les autres intéressés dans les dits Navires, si cela fut vray ils seroient fort à blamer de demander satisfaction pour la seconde fois : Mais cela est absolument faux, ny est ce qu'aucuns des reclamants ayent jamais reçu du dit *Pergens* ou d'aucun autre sur cette compte directement ou indirectement la valeur d'un denier.

Et quant aux deux Lettres écrites par sa feu Majesté touchant cette affaire en l'année 1647. l'une à leurs Seigneuries, & l'autre au Sieur *William Boswel*, qui estoit alors son Resident en cette Cour, le dit Envoyé Extraordinaire ne se peut assez esmerveiller, que leurs Seigneuries feroient aucune mention d'icelles. Qu'estoient ces Lettres si non Lettres de recommandations en termes généraux ? Sa Majesté estoit elle alors en condition, pour examiner au fond, ou regarder dans les affaires ? Avait il son Conseil ou son Admirauté auprès de luy ? Il sçavoit que *William Courten* avoit équipé les dits Navires devant la guerre civile en ses Royaumes, & estoit informé que les dits Navires furent pris par la Compagnie Orientale Flamende : Et qu'est ce qu'il demandoit en ses dites Lettres ? Seulement qu'avec assistance de leurs Seigneuries la dite Compagnie Orientale pourroit estre induite à la raison, comme sont les mors dans ses Lettres à vos Seigneuries, & au Sieur *William Boswel*, pour urger que satisfaction de 68880. livres sterlings, pourroit promptement estre faite par la Compagnie Orientale de ce Pays : Mais si cette satisfaction qui se doit faire au dit Sieur *Courten*, devroit estre faite au Sieur *Paul Pindar*, & au Sieur *Eduard Littleton*, & à ceux qui reclament sous eux, ou audit *Pergens*, ny l'un ny l'autre Lettre n'en parlent point : & encote qu'elles en avoient parlé, cela n'eut en aucune façon alteré ou déterminé l'affaire dont il est question. Qu'il me soit permis demander à vos Seigneuries, si vous prenez quelque Lettre du Roy mon Maître pour preuves & evidences *pro* ou *contra*, combien qu'écrites sur la meilleure & la plus exacte examination, (luy à peine recommandant quelque affaire, jusques à ce qu'il l'aye premierement fait considerer, examiner, & rapporter à luy par quelques uns de son Admirauté ou Conseil privé) vous les faites seulement un fondement pour regarder & examiner les affaires, & ne juges pas selon eux, mais selon que vous trouvez les affaires sur la preuve & evidence. Et comment vient il, que ces Lettres de sa Majesté sont produites en cette sorte ? Si les transports du dit *Courten* aux Sieurs *Pindar* & *Littleton* sont bons, rien de cette nature les peut faire invalides, ny s'ils estoient invalides, les faire bons.

Quant à ce que leurs Seigneuries touchent, que le Sieur *Paul Pindar*, es Années 1650. & 1651. a poursuivi les Directeurs de la dite Compagnie Orientale devant les Echevins à *Amsterdam* par *Jonas Abeels*, son procureur, mais faisoit tomber le proces, & ne l'a point renouvelé pour autant qu'ils sçavent, & par là veulent suggerer, que le dit Sieur *Pindar* auroit estre convaincu : Le dit Envoyé Extraordinaire replique, que le manquement de la poursuite n'estoit pas sur un tel fondement, mais causé par la mort dudit Sieur *Pindar*, par laquelle la p^{ro}curation du dit *Abeels* aussi cessoit, & la guerre s'alluma un peu apres entre *Angleterre* & ce Pays, à la fin de laquelle les personnes intéressés dans les dits Navires, poursuivirent leur réclamation devant les Commissaires qui s'assemblerent alors à *Londres*, & auroient voulu faire le même en Suisse, si l'instrument lequel y devoit estre envoyé, eust esté envoyé, & des Commissaires assemblez la dessus, l'envoy duquel instrument & la convocation desquels Commissaires n'estoit pas leur affaire, ny en leurs pouvoir de la faire.

Et pour ce qui estoit de quelque recommandation apres ou demande à leurs Seigneuries, leurs personnes estoient trop noires aux yeux de ceux qui gouvernoient alors pour esperer quelque chose de cette nature, & demouroient ainsi sans esperance & assistance jusqu'au Retour de sa Majesté tres sacrée, nostre legitime Roy & Souverain, lequel voyant ces miserables & fidelles subjects encore sans satisfaction, & neantmoins (par bonheur) point exclus par quelque Traitez ou transactions faites en ces temps là, apres meure deliberation & avis de son Conseil Privé, par sa Lettre datée à *Whitchal* le 21 Mars, recommanda fort cette affaire à leurs Seigneuries. Et le dit Envoyé Extraordinaire a encote par la penultième poste reçu un autre Ordre du dit Conseil, de

demander & insister instamment que prompte satisfaction soit faite aux dites personnes, & avec toute diligence faire rapport à eux, de ce qu'aura esté fait: Et ainsi il demande par celle cy que tels ordres soyent donnez, que la dite Compagnie Orientale sans plus de delay leur paye ce qui leur est deu pour les dits Navires & Marchandises, lesquels ont esté si long temps & avec telle violence detenus de eux à la ruine de tant de familles, & au profit inestimable de la dite Compagnie Orientale, laquelle n'a pas seulement jouty, durant tout ce temps, du benefice de leur argent, mais aussi par là entierement discouragé & ruiné le Commerce des Anglois pour China, & ces quartiers là, & l'attiré quasi entierement à eux mesmes: *Fait à la Haye le 11^e Juillet 1662.*

GEORGE DOWNING.

The Reply of Sir George Downing, Envoy Extraordinary of His MAJESTIE of Great Britain, &c. delivered the 13. of July 1662. upon the Answer of the Estates General of the United Provinces, to his Memorial of the 20. of April last.

In E underwritten Envoy Extraordinary of His most Sacred Majestie of Great Britain, &c. having received, examined and considered the Answer of their Lordships the Estates General of the United Provinces, of the 22 of June last past, to his Memorial of the 20. of April foregoing: In so far as the said Memorial did concern two English Ships belonging to London, the one called the Bona Esperanza, and the other called the Henry Bonaventure; finds that the matter of fact complained of, is not in the least therein Denied, but confessed and acknowledged; yet as to his demand thereupon for satisfaction and reparation to the persons injured thereby, their Lordships endeavour to avoid it upon a double ground:

First, Upon the account of the Treaties made in the Years of 1654. and 1659.

Secondly, That though the said Treaties were not, yet that the persons claiming have no right to what they demand.

Now as to the first, the said Envoy Extraordinary cannot but observe, that though their Lordships do in the beginning of their said Answer strongly alledge the said Treaties; and towards the end thereof, do accuse the person demanding satisfaction of great impudence for daring (as they are pleased to term it) to revive these pretences, and to importune His Majestie therein, in trouble their Lordships with so much as the examination thereof: yet notwithstanding throughout the said Answer, there is not so much as one word to explain how these matters are extinguished or voided by the said

said Treaties; and certainly those who would make satisfaction for so considerable damages by Ink and Paper only, had need make out very clearly and distinctly, and pass all dispute, what they pretend and alledge; of which nature the said Embay Extraordinary finds not one clause or word in the said Answer, and could he in the strictest and thoroughest examination thereof; have found the least colour or ground for an allegation of that nature, he would not have troubled them with an Answer to that particular; but their Lordships must give him leave to affirm that he doth not find in the one or the other of the said Treaties; any thing that doth extinguish or debar this demand.

As for the Treaty of 1654. it doth indeed (as is set down in the third Article) bar and cut off all pretences in respect of damages during the late War; but these were matters which hapned many years before; and had no relation thereunto; and which the said Treaty was so far from abolishing or taking away, as that by the 30. Article thereof a particular and extraordinary way was set down for the making satisfaction for them. And if it could have been pretended that the persons complained had not of their part persued and fulfilled, what was of their part to be persued & fulfilled by vertue of the said Article; or that these matters had been thereby in any kind ended or Determined; or that there had been any clause or words denoting that what matters should not be that way Determined; notwithstanding that the parties complaining should have accordingly Done and fulfilled what was thereby required to be on their part Done and fulfilled, should yet be abolished and cut off, there might then indeed have lain from hence some pretence against them; but the persons injured, though expecting very little good from the then usurping Powers (being all of them out of labour, upon the account of their extraordinary loyalty to His late Majestie of glorious memory) and three of them excepted by name, and forfeited as to their whole Estates; yet seeing themselves in that exigency, that either they must in pursuance of the said Article put in their claim or be debarred their rights; a claim was put in before the Commissioners sitting at London, within the time limited by the said Article, and pressed and persued, as will appear by the Writing hereunto annexed, marked with the letter B. Num. 1. but the three months time limited to the said Commissioners did expire, without giving any sentence or Determination therein; and as to the further remedy set down in the said Article, (viz.) Commissioners of the Protestant Cantons of Switzerland, to Determine all such matters within six moneths after as were not decided by the aforesaid Commissioners at London, if they had met accordingly; and that the persons claiming interest in these Ships had not addrested themselves unto them, there might then indeed have been something of a colour and pretence against them; but they never met, nor was it their business, nor in their power to cause them to meet; nor consequently could their not meeting be any prejudice to them; but on the contrary, a matter of grie-

vance and injury; to the only advantage of the East-India Company of this Countrey, who have thereby kept them from satisfaction so many years more: Suppose the Commissioners who by that Article were to meet at London; had never met; or suppose they had not met till after the 18. of May, the day prefixed by that Article, after which no new allegation should be admitted, should from thence an argument have been drawn against these persons, that they were cut off from all other remedy, or that their pretences were extinguished by that Treaty? and the argument is the same as to those other Commissioners, who afterwards were to have met in Switzerland; so that there is nothing more clear than that the persons interested in those ships remain *in statu quo*, and at liberty to demand justice and satisfaction by other means.

And for the Treaty of 1659. there is nothing also can be more clear than that that Treaty does not in the least cut off or debar this matter; the general clause in the end thereof not debarring or cutting off all matters generally that were known in London the 20. of Jan. 1659. but only (as may appear by the said general clause thereof) such matters as hapned about the time that the Postillion, Frederick, Francis and John were taken, or afterwards, not (or before) but (or afterwards) known at London the 20. Januar. 1659. and the occasion of inserting that general clause was this, about the time when the Postillion, &c. were taken and confiscated in the East-Indies by the Dutch East-India Company, or a little after, and which was known at London the said 20. of January, there were three or foure other English ships stopped in the East-Indies by the said Dutch East-India Company; but after some time set at liberty to pursue their respective Voyages; and it being at last yielded unto here to give satisfaction for the Postillion, Frederick, Francis and John, which had been taken and confiscated, it was absolutely insisted upon (as some of their Lordships very well know) and at last after long debate consented unto, that in case they would make reasonable satisfaction for what they had taken and kept, a clause should be inserted to cut off those other pretences for what they had only stopped for some time, but afterwards set at liberty; and accordingly upon this single scope that clause was inserted, and was so penned as to reach its end and no further, that is to say, to cut off all pretences for all matters hapned in the East-Indies about the time the Postillion, &c. were taken or afterwards; (not or before) as it appears by the Writing marked with the letter B Num. II.

So that hereby their Lordships may see how far the note setting on foot the pretences of the persons interested is from being in any kind prejudicial or contrary to the Treaties of 1654. or 1659. concerning which much more might be said, but that their Lordships are pleased having made this objection themselves, to wave it, and to admit the debate of this matter, upon which account also the said Envoy Extraordinary says no more of it, but only to put them in mind that the said Treaties were neither of them made with the King his Master, nor with

with any of His Predecessors; and consequently, there lies not upon him the least obligation in point of right to take any notice of them; and that being so, and that their being admitted by His Majesty, is merly out of good nature and kindness, would it not be a strange requital, and a just cause of provocation, and indeed such as His Majesty can in no wise suffer, not to rest well satisfied with the accomplishment and observation of them according to their literal and genuine meaning? but to put a forced and extorted sense upon them, to the prejudice of His Subjects, and such as was never intended at the making of them, nor could never have been demanded or expected from the Usurpers themselves with whom they were made, nor from His Majesty, if they had been made with Him or with any of His Predecessors.

Now for the second Objection, (viz.) That though the said Treaties were not, yet that the persons claiming have no right to what they demand; for the making good thereof their Lordships are pleased to alledge two things.

First, those reasons by which the East-India Company of this Countrey maintain that they might with justice, yea that they were constrained to seize and confiscate the Ship *Bona Esperanza*; and for the *Henry Bona Adventure*, that she was wholly abandoned by her Master and Mariners; and that they were willing, or made no difficulty to suffer the people of the East-India Company of this Countrey to save the said Ship with her Lading.

Secondly, that this matter hath been intirely and absolutely ended by an amicable accord between the said East-India Company on the one part, and Jacob Pergens and David Goubart on the other part, and that for a valuable consideration of 85000. guilders, which summe hath been in persuance thereof really paid by the said Company.

Now as to the first of these Arguments, the said Envoy Extraordinary takes notice that their Lordships do not insist upon it, but only (as it were en passant) hint thereat; nor do they so much as put their own stamp upon them, onely calling them the said Companies Reasons, and without setting down any of them in perticular. And indeed no wonder, seeing that a greater and more uncolourable violence and robbery could not have been committed than was that of the taking the *Bona Esperanza*, a Ship belonging to London, set out from thence, laden onely with English and Portugais goods, both at that time in peace and amity with this Countrey, and bound from Goa to Maccao, places both belonging to the said Portugais, and without the least occasion offered by the said Ship, nor could there be a greater inhumanity and barbarism than the latter; the *Henry Bona Adventure* not being abandoned by her Master and Mariners, as will appear by the Writings marked with the letter C Numb. I. II. IV. but only some of them coming to the Dutch, and praying for their assistance towards the saving of their ship and goods, they under the notion of assisting them take and keep all to themselves: And for what is said of a certain Paper signed by them, that they would

not hazard their lives to save any thing, their Lordships will find sufficiently proved by the said Writings, that the English did actually continue in their Ship, and so that it was no Wrack by Law: Moreover, that they did assist in saving the goods and Ships provisions, as is abundantly proved in the said Writings; to which give me leave to add, that the said Company did since agree with the Portugais to pay them 100000 Rials of eight for their Interest in the Goods in the said Bona Esperanza, whereof fourescore thousand was actually paid; and for the English concerned both in the said Ship, and in the Henry Bona Adventure, though they were such as for their Loyaltie could have nothing of labour or countenance in their concernments, nor indeed have common justice done therein in the late distracted Times; yet the said Company did (to gain something of a pretence, as if they had made satisfaction to them) pay unto Jacob Pergens and Goubart the summe of 85000 guilders, and that in a time when the affairs of his late Majesty, in his Kingdomes, were in the greatest disorders and confusion, and not capable to give the least protection to any English man beyond the Seas, being about the time of his most execrable murder; and so no man will doubt but that if the said East-India Company could have justified in any measure what was done, they would not have parted with such a sum of money, especially at such a time, upon pretence of any Damage done to the English.

Now as to the second Argument, herein is indeed the life and force of this matter; and if the Agreement made with the said Pergens and Goubart be a good Agreement, God forbid the East-India Company of this Countrey should be called upon again; but if this be not a good Agreement, then the Pretenders have a fair and free way open for their demanding satisfaction.

Now as to Goubart his pretence, is only to the Ship Bona Esperanza, but had nothing to do with the Ship Henry Bona Adventure; nor with the Lading of either of them; and as for his Agreement, in so far as his personal concernment went, it is admitted for good and not questioned; but as to the said Pergens, who had no interest in either of the Ships or their Lading, but claims by vertue of certain Procurements and Transports from William Courten: The said Envoy Extraordinary both answer that the said Procurements and Transports are utterly void and null, as appears by an Indenture herunto joyned marked with the letter D Num. I. whereby the said William Courten had in the Year 1642. absolutely transferred all his right and interest in the said Ships unto Sir Paul Pindar and Sir Edward Littleton, and that upon a most valuable consideration for the sum of 88000 pounds sterling, principal money lent unto him.

And moreover the said Courten was declared insolvent for 150000 pounds sterling, by reason of his great losses in the Indies, long before he gave the said Procurements and Transports to Pergens, as appears by the Writings of the letter C Num. III. and consequently was incapable by the Laws of Nations for the doing of any act

act for the disposal of his goods: And it is not amiss to observe, that though the East-India Company of this Countrey, out of their desire of gaining something of a colour to have ended this foul business, did part with that inconsiderable and pitiful summe of 85000. gilders, (for so indeed it was, not in it self, but in comparison of these losses and damages.)

Yet that they were at that time so advised of the ungroundedness of the said Pergens his pretences, that they did not part with a farthing to him till he had given them good security to repay the said money, with interest, in case they should be further troubled in this matter, as appears by the Writings marked D Num. IV. the which security is still good, so that the said Company can be no Losers thereby.

And for what is further alledged, as if the said Pergens had really and effectually paid and contented all the other persons interested in the Ships and Lading; if this were indeed so, it would be justly blame-worthy for them to demand satisfaction a second time; but it is utterly false and untrue, nor hath any one of the persons pretending ever received from the said Pergens, or any other, upon this account, directly or indirectly, the value of one farthing.

And as to the two Letters written by His late Majesty concerning this business in the Year 1647. the one to their Lordships, and the other to Sir William Boswel, His then Resident in this Court; the said Envoy Extraordinary cannot but greatly wonder that their Lordships should so much as mention them? what were those Letters but Letters of Recommendation, and in general terms? And was His Majesty at that time in a condition strictly to examine or look into matters? had He His Council or His Admiralties about Him? He knew that William Courten had set out those Ships before the Civil War in His Kingdoms, and had been informed that the said Ships had been taken by the Dutch East-India Company; and what did He demand in His said Letters, but onely that by the States General their help the said East-India Company might be brought to reason, as are the words in His Letter to them; and as are the words in His Letter to Sir William Boswel, to press that satisfaction for 68884 pounds sterling, might speedily be made by the Netherlands East-India Company; but whether that satisfaction to be made to the said Courten was to be made to Sir Paul Pindar and Sir Edward Littleton, and those that claim under them, or to be made to Pergens, neither of those Letters do speak; and if they had, yet would not that in the least alter or determine the case in hand: Let me ask your Lordships whether ye take any of the King my Master His Letters to be proofs and evidences *pro or contra*, though written upon the best and through & examination (He scarce recommending any matter till first considered and examined, and reported to Him by some of His Admiralties or Privy Council; but only make them a ground to look into and examine matters, and judge not according thereunto, but as you find matters upon the proof and evidence.

And how comes it to pass that these Letters of His late Majesty are produced in this kind? if Pindar and Littleton's Transports from Courten be good, nothing of this nature can make them invalid; nor if they were invalid, make them good.

And for what their Lordships do hint that Sir Paul Pindar did in the Years 1650. and 1651. prosecute the Bewinthebbers of the East-India Company, before the Magistrates at Amsterdam, by one Jonas Abeels his Procureur, but did then let the said Suit fall, nor hath to their knowledge since revived it, and so would thereby insinuate as if the said Pindar had been convinced of his error, and thereupon let it fall: The Envoy Extraordinary doth reply, that the fall of the said Suit was not upon any such ground, but was occasioned by the death of the said Pindar, by which the said Abeels Procuration also ceased, and the War between England and this Countrey broke out a little after; at the ending whereof, the persons interested in the said Ships did enter and pursue their claim before the Commissioners that then met at London; and would have done the like in Switzerland, if the Instrument which was to have been sent thither, had ever been sent, and Commissioners met upon them: the sending of which Instrument and convoking of which Commissioners was not their work, nor in their power to do.

And as for having their affairs afterwards recommended to their Lordships in any particular way, their persons were too black in the eyes of those that then ruled, for them to hope for any thing of that nature, and so remained hopeless and helpless till the Return of His most Sacred Majesty our rightful and lawful King and Sovereign, who finding these His distressed and most loyal Subjects without satisfaction, and not excluded from it by any Treaties or Transactions made in those Times; upon full deliberation and advice of His Privy Council, was pleased by His Letters dated at Whitehall the 21. of March last, earnestly and particularly to recommend this matter to your Lordships, as appears by the Writings marked with the letter A, under the Numbers of I, II, III, IV, V. and the letter D, under the Numbers I, II, III. And the Envoy Extraordinary hath moreover by this last Post but one received another Order from the said Council further, instantly to demand and insist that satisfaction be forthwith made to the said persons, and to report with all speed what he shall do therein to them: And he doth accordingly earnestly Demand that such orders be given, as that the said East-India Company do forthwith, without further delay, pay unto them what is their due for their said Ships and goods, which have been so long and so violently held from them to the ruine of many families, but to the inestimable gain of the said Company; who have not only all this while enjoyed the benefit of their Monies, but thereby also utterly discouraged and overthrowed the Trade of the English to China and those Parts, and ingrossed the same wholly to themselves.

Given at the Hague July 13. 1662. N. S.

GEORGE DOVNING.

Memorandum,

That Sir George Downing sent his Secretary several times, to the Deputies of the States General (that were appointed to Treat in English affairs) for a Copy of these Reasons, by which the East-India Company (as was mentioned in the States Answer) could justify the taking of the Ship Bona Esperanza, nay that they were constrained to seize and confiscate the same, that there might not remain the least apprehension that the fact was justifiable; the said Reasons were often demanded, and although a short Memoriall to that purpose was given in to the States before the Reply, yet could not be obtained. It is to be notified, by the Pieces or Copies of Writings received by Sir George Downing with the States Answer in Dutch, and numbered with several Figures, are under these significations, the Paper marked Nomb. I. is the Claim exhibited by Mr. William Tombes (Executor to Sir Paul Pindar) for 72346 l. before the Dutch and English Commissioners in the year 1654.

The Papers marked with Nomb. II. are the Agreements between the Company and Pergens, the Acquittance for 85000 Guilders, the Order to the Treasurer, and the Caution given for the said money by Peter Bondan Courtten.

The Papers marked with No. III. are Copies of the Procuracion and the two pretended Transports or Bills of Sale from Mr. Courtten to Mr. Pergens.

The Papers marked with No. IV. are Copies of the late Kings Letters from Hampton Court in the year 1647. the one to the States Generall, and the other to Sir William Boswell.

The Paper No. V. is the Conclusion of Jonas Abeels, upon his Action or Complaint before the Magistrates of Amsterdam for the said 85000 Guilders: But as to the Insinuations and Arrests of Jonas Abeels, or the Declaration of the Schepens thereupon: the Company had not instructed the said Deputies of the States to make any Answer to them, nor unto the Reasons aforesaid.

Authentique Copies of the Acts, Deeds, and Writings, delivered by Sir George Downing with the Reply to the States Answer, with the several Letters and Numbers under these significations following.

The Deeds from William Courten to Sir Edward Littleton, and from both to Sir Paul Pindar, marked with the Letter D No. I. II.

The Depositions of the Witnesses taken in the Court of Admiralty, concerning the matters of fact and Damages, marked C No. I. II.

The Certificate from the Commissioners upon the Statutes made concerning Banckrupts, marked C No. III.

The Agreement between the Mariners and Adrian Vanderstelt, concerning the Henry Bona Adventure, marked C No. IV.

Sir Paul Pindars Procuracion to Jonas Abeels, D No. IV. Anno 1647.

The Summons and Proceedings before the Magistrates or Schepens at Amsterdam, B No. I.

The Certificate of Sir Paul Pindar's Death, B No. III.

The Acts and Proceedings of William Tombes before the Dutch and English Commissioners, Anno 1654. B No. II.

The Petition of Tho. Newman and the Mariners, to the said Commissioners, Anno 1654. B No. IV.

The Petition of Henry Powell on behalf of himself and the Creditors claiming under the Statute the Damages of both Ships, Anno 1654. B No. V.

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The Petition of Sir John Ayton, George Carew, and Charles Whitaker to the King A No. I.

The Deed of Assignment from Sir Edward Littleton to George Carew, John Ayton, and others, D No. III. Anno 1656.

Letters of Administrations granted to George Carew, of Sir William Courten's Estate; and of Sir Paul Pindar's to Sir William Powell, A No. II.

Several Procurations to George Carew from Commissioners of Bankrupt, from Sir William Powell, Sir John Ayton, Thomas Kynaston and the rest of the interested, A No. II. III. IV. V.

Notwithstanding all this, the report went at the *Hague*, that the Kings Commissioners appointed to Treat with the *Dutch* Embassadors at *London*, had excluded us from any extraordinary remedy by the Treaty, whereupon I presently sent this Letter following to the said Commissioners.

These for the Right Honourable George Duke of Albemarle, and the rest of the Commissioners appointed by the Kings most Excellent Majesty to Treat with the Dutch Embassadors.

Right Honourable,

MAY it please your Lordships, I am commanded by the Creditors of Mr. Courten, Sir Edward Littleton and Sir Paul Pindar, that have entrusted me with their peticular Complaint against the *East-India Company* of the *Netherlands*, to give your Honors an Account of my Transactions at the *Hague*, with these following Considerations; that a right understanding might prevent the Miscarriage of their business. A Demand was made of the *States General* (on their behalf) in the Kings Name upon His Majesties justly grounded Letters of Recommendation. The *Bewinthebbers* of the *Company* at the first Treaty offered 85000. *Gilders*, with Interest since the Year 1649. (provided I would by consent *simul & semel* commence the Suit against them and *Jacob Pergeus* before the *Magistrates* at *Amsterdam*) in Satisfaction. Afterwards the *States of Holland* perswaded them to decline any further Treaty, upon pretence the King had promised their Embassadors that no Damages in the *East-Indies* should be insisted upon before the 20. of *January*, 1659. I shall not trouble your Lordships with peticulars, but refer your Honors to the enclosed printed Reply given unto the *States* Impertinent Answer of the 22. of *June* last.

The Interested of the Ships *Henry Bona Advenure* and *Bona Esperanza* are above Three hundred several persons, many of them Orphans and Widows, whose Fortunes were bound up in the sad and deplorable condition of those two worthy Gentlemen, Sir William Courten and Sir Paul Pindar, That lent the late King (of ever blessed memory) 95000 *l.* for the Ordinary support of his Crown, before the late War, and borrowed 120000 *l.* upon their Credit, to carry on the *China* and *East-India* Trade, by the late Kings especial appointment and Commission, in the Year 1636. which the *Dutch* by Violence and Rapine have destroyed, and yet the Complainants not any ways satisfied, included or excluded by any Agreement, Treaty or Confederacy in the Years 1649. 1654 & 1659.

Since the Reply to the *States* Answer was disposed in *English*, *French* and *Dutch*, most of them are ashamed of themselves, and several of the *Provinces* are much troubled for the Injuries and Oppression we have suffered, and will protest against

against the rest, if we have not speedy Réparation made answerable to our Damages.

The persons concerned would rather perish than ask any thing inconsistent with the Honour or Safety of the King and Kingdome, and they should forfeit their owne judgement and reason to Imagine that the King would put His Subjects into a worse condition than the Treaties of *Oliver* and *Richard* the Usurpers had left them; or, that the Commissioners appointed in this Treaty should allow the Preamble lately sent to the *Dutch* Embassadors to insert before the *Articles* (newly started, contrary to the Instructions of the 10. of *May* last) intending by general words to make voyd all private Actions depending between the Subjects of *England* and the People of the *United Provinces*, opposite to the Law of Nations and all Common Right.

The King was graciously pleased to promise that he would not insist upon Commissioners for Damages of His Subjects in *Europe* before 1654. or in the *East-Indies* before 1659. but leave them to other Remedies: But in this extraordinary Case of Oppression and Injustice, the King recommended it to the *States General* for their Examination; and if we should now accept of 85000 *Gilders* with Interest, in full satisfaction for such great Damages so highly disputed by the Kings command, and most precise Orders of the Council-board; It were not onely to admit of the *Companies* silent Reasons for Taking the Ships, but equally to betray the Dignity of the King and His Crown, the Strength and Courage of His Subjects, and the Justice of our Case; which we cannot do for consequence sake, being ready for Judgement in a way of State at the *Hague*, and some of the *Company* willing to give Satisfaction in this our Case as the *States* shall appoint.

The *Holland* Interest is Trade, and their Business to Discourage all others but themselves: When they are called to Account for Violencies and Robberies committed at Sea, their *Penfioners* or *Statesmen* give ill language, and would insinuate to the King, that it obstructs the good Intelligence held between the Crown of *England* and the *States of Holland*; whereupon they have taken great advantages, and by those mistakes have been further encouraged to proceed in their wicked practices; knowing that to Implead them in their own Courts of Judicature, would but add Mischief to Misery, being both Parties and Judges themselves: Yet, if they lose but a *Herring-bait*, the whole Province is concerned to recover it, or satisfaction.

They are a Generation made proud and insolent by the condiscension of Princes, and so much the more considerable in the World, as the King of *Great Britain* is pleased to grant them in Treaties and Alliances: They are men not to be obliged by Kindness, the Sovereignty being in the Common people, who are altogether insensible of Honour, living upon the spoils of Nations, and growing rich by the vanity, sloth and excess of their Neighbours.

My Lords, Admit the King should refuse to Treat without caution to perform their *Articles*, rather than they would want the benefit of *English* Harbours in Winter, or the Countenance of *Great Britain* all the year, they will subscribe to any condition; knowing that *France* and *Spain* holds correspondency no longer than they have a fair opportunity to reduce them to their first principles, or requite them in some other kind.

The Frontier Towns are wholly kept by *English*, *Scotch* and *French*, that know both the strength and weakness of their Countrey, and they are forced to continue their Armies as much to govern by an Arbitrary way at home, as to defend themselves from Invasion abroad; their Shipping must be supplied by Strangers that are not any way concerned for the defence of their Countrey; therefore the King may take his advantage, and set a valuable price upon his owne Inheritance which God and Nature hath endowed him withall.

My Lords, I know they hunger after a nearer Alliance with the King, and had rather be at Enmity with the whole world than not in Amity with *England*. They term the Union with the King like man and wife. I humbly beseech you, in the name of all the Interested persons for whom I am concerned, that by some special Proviso in the Treaty, Ours being an extraordinary Case, It may be reserved to such Remedies as the King and His Council shall think fit; otherwise, all *English* men beyond the

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Seas that have heard the noise of this *Case*, will despair of any protection, and resolve if the King cannot have that Reputation throughout the world that no Kingdome or Nation whatsoever shall dare to affront His Merchants at Sea, their Trade will be wholly left to them that so earnestly persue it. I beg your pardon for my boldness, and leave all to your grave wisdoms and considerations, subscribing my self

*From my Lodgings at the House
of Nassau in Papa Street at
the Hague, July 27. 1662.*

Your Honours most faithful

and humble Servant

George Carew.

*The third Memoriall of Sir GEORGE DOVVNING
to the States Generall.*

The underwritten Envoy Extraordinary of His most Sacred Majesty of Great Britain, &c. is very sorry that he must still reproach their Lordships, that yet to this day since the Return of his Master into His Kingdomes, there is not one Example made by them of their Order for satisfaction and reparation to any of His Subjects, in any of those many and grievous Complaints, which in His Name, and by His special Orders have been from time to time made unto them; the which their Lordships must think cannot but needly touch such a King and such a Neighbour, and the more when He considers how frequent the Examples of their Justice were in the dayes of those who usurped His Crowns and Authority, and also how many Examples have been of His Justice from day to day towards their Subjects at the request of their Embassadors, by the interposition of His Royal Authority.

And though it is now a considerable time since he the said Envoy Extraordinary did give in to their Deputies, his Replies upon what had been given him by them concerning the Ships *Bona Esperanza*, *Henry Bona Adventure*, and the Ship *Charles*; by which it appears to the whole World, how groundlesse and feibolous were the Shifts and Pretexts which those who have done these Robberies and Violences would aboyd the making satisfaction for them, yet he hath not since that time heard one word from them or from their Lordships concerning them.

And he doth herewith further complain, that a certain English Ship called the *Content of London*, whereof one *William Jordan* was Commander, sailing out of the Downs, in the Month of October last, for the Coast of Africa, was there in a hostile manner set upon by

by two Ships belonging to the West-India Company of this Country, the one called the Golden Lyon; and the other the St. Barbara, and taken; the People stripped and plundered; and he doth demand that satisfaction and reparation be forthwith made to the persons interested, as also to those concerned in the Experience, the Ship Daniel, Brazil Frigot, Leopard, St. John Baptist, and others, concerning which, complaints have been made to their Lordships.

And he doth hope that he shall at last be able to give an account to His Master of the reall effects of their Justice, without which it is but a prostituting of His Honour and Dignity to continue the sending His Subjects hither, and endeavouring to obtain reparation for them in this neighbourly and friendly way. Given at the Hague this 11th August 1662.

George Downing.

The Answer of the Lords States General (Translated out of the Dutch Original) to Sir GEORGE DOWNING's Third Memoriall.

THE States General of the United Provinces, &c. having seen, examined, and considered, a certain Memoriall delivered by Sir George Downing Envoy Extraordinary from His Majesty of Great Britain, &c. in his late conference with their Ho: Mo: Deputies; as also his Memorialls presented from time to time, concerning the Ships called the Bona Esperanza and Bona Adventure: After mature deliberation, they have thought fit to declare by these presents, that their Ho: Mo: did not in the least doubt, but that the said Envoy Extraordinary, and the King His Master, would have acquiesced in the particular informations and circumstances comprehended in their Ho: Mo: Answer on the 22 of June last, touching the same Subject, protesting that they did only cause this to be done for better information and no otherwise; but finding contrary to what was expected, their Ho: Mo: can assure the said Envoy Extraordinary, and the King His Master, with all truth and sincerity, that they find nothing in the said Memoriall, nor in the said Pieces joyned, that can in the least weaken the force of the said Information, whereupon their Ho: Mo: would enlarge themselves, were it not that by the Treaties of 1654 and 1659. these, as also all other pretences, known by the one side or the other, before that time ought to be considered, as matters extinguished, whereby their Ho: Mo: think it not fit to enter into any dispute with the said Sir George Downing, being that the same hath been presented to His Majesty by the Embassadors of this State, and caused the said matter to be deliberated on in his Council, who did acquiesce therein, as it doth evidently appear by His Majesties solemn Answer, Signed by one of His Secretaries of State, and delivered to them on the 25 of May last; as likewise in his Majesties solemn Declaration made to the Embassadors in their Audience at Hampton Court, the 4. of July last; and their Ho: Mo: do only depend upon His royal Word passed at that instant, as also upon those reasons which are equitable and just, passed in their Ho: Mo: Assembly at the Hague, the 26 of August 1662.

Second Reply of Sir GEORGE DOWNING
 Envoy Extraordinary from His MAJESTY of
 Great Britain, &c.

Presented to the Estates General the 1. of Sept. 1662.



IN the undertoritten Envoy Extraordinary of His most Sacred Majesty of Great Britain, &c. having yesterday received the Resolution of their Lordships the Estates General of the United Provinces, of the 26. instant, in rejoinder to his Reply of the 13. of July last, concerning the ships Bona Esperanza and Bona Adventure; and having considered and examined the same, finds it only to contain thus much: That their Lordships did not doubt but that he the said Envoy Extraordinary, and the King His Master, would have acquiesced in their Answer of the 22. of June last; and that they do not find any thing in the said Reply, nor in the pieces thereunto joined, that can in any kind weaken the force of their said Answer; and this is the whole of their said Resolution: But as to the producing of any new matter on the behalf of the East-India Company of this Country, whereby to better their cause, or to shew or make out that the matters set down in the aforesaid Reply, and made good by the pieces thereunto joined, were in any kind ill founded or mistaken; The said Envoy Extraordinary doth not therein find one word or syllable of that nature.

Were this a dispute between their own Subjects, it might suffice for them despotically to affirm that they do not find that the reasons given by the person injured, in reply to what is said by the person doing the injury to be of value, and to command him to acquiesce in the Declaration of that their pleasure or opinion; but this dispute is not between them and their Subjects, but between them and their Neighbours, between the King His Master and their Lordships, and His Subjects and theirs; and it is their Subjects that have done the wrong, and who did forcibly assail and attack His Subjects, and by violence take from them their ships and goods, and are yet in possession of them, and this is confessed: And so it is not enough that their Lordships are well contented and satisfied, but it will be expected that they do either clearly and particularly refute and take away what is said in the said Reply, on the behalf of His Majesties Subjects who are thus grieved and injured, or cause satisfaction and reparation to be forthwith made; or else His Majesties intercession in an amicable way is at an issue, and he must betake himself to such other means as are capable to right His Subjects.

And for what their Lordships are pleased to say, that they should have enlarged themselves further, but that this matter ought to be looked

looked upon as extinguished by the Treaties of 1654 and 1659. The said Envoy Extraordinary doth answer, that this is a begging the question; it being not only utterly denied in the aforesaid Reply, that this matter is in any kind debarred or mortified by either of the said Treaties; but it is in the said Reply particularly and at large shewn how far they are both of them from any thing of that nature: And on the other hand, their Lordships neither in the abovesaid Answer of the 22. of June, nor in this their Resolution (though they would thus pay His Majesties Subjects with Ink and Paper) do not in either of them so much as hint at any Article, Clause or Paragraph of the said Treaties, by which this matter should be so mortified and extinguished.

And for the Paper of the 15 of May last, signed by one of His Majesties Secretaries of State, and delivered to their Embassadors at London, upon which they would found that His Majesty had consented to the mortification of this business: The said Envoy Extraordinary cannot but greatly wonder at an allegation of this nature; What was then the dispute? was it about mortifying or not mortifying of matters before or after, such time or times? that was not the dispute, but only from what time matters should be decided by Commissioners, and as to this, His Majesty was pleased in that Paper to declare himself that he did acquiesce in what was urged by their Embassadors, and that he would not press any further Retrospect then 1654. as to matters out of the East-Indies, and 1659. for matters in the East-Indies, as to the taking cognisance of them by Commissioners, and as to what his Majesty should have said in the Audience he gave their Embassadors at Hampton Court the 4 of July last: The said Envoy Extraordinary doth reply, that their Lordships have in writing, and so hath he the said Envoy Extraordinary what His Majesty did then say, and he doth positively deny that there is therein any word or syllable concerning the business of these two ships, or that doth in any kind concern the point in hand; and for the verifying hereof, he refers to the Paper it self; nor did at that time or any other time any thing passe His Majesty or His Commissioners in any conference with their Embassadors, other, then that for matters before 1659, in the East-Indies, his Majesty would not insist to have them decided by Commissioners, but that he did ever yeild that they should be cut off from all other remedies, this is utterly denied; and if he had, to what purpose had been the continued Orders of his Majesty and his Privy Council for the pressing satisfaction in this business? it being to no manner of purpose to have pressed for satisfaction while the Treaty was in hand, for a business which was to be cut off by the said Treaty, in case it came to a close; it being beyond doubt that if their Lordships had had assurance that the said matter was to be cut off by the said Treaty, there was nothing of satisfaction to be expected, untill they saw the issue thereof.

The said Envoy Extraordinary cannot but further take notice, that their Lordships in their foresaid Resolution speak not a word of their

agreement with Pergens; nor is it strange, seeing the transport by which he claims, bears date some years after Courten had made over all his interest in the said ships to Sir E. Littleton and Sir P. Pindar, for the sum of 68000 l. sterling money lent to him; and moreover, that the said Courten was insolvent at the time of his making the said Transport to the said Pergens, and consequently incapable by the Lawes of Merchants, both in England, here, and elsewhere, to dispose of one farthing.

Moreover, the said Envoy Extraordinary cannot but let their Lordships know upon this occasion, that since the giving in of his Reply there are certain authentique writings and Papers come to hand at London; by which it appears that Sir Paul Pindar upon the 25 of May 1648. hearing that the Directors of the East India-Company of this Country were in Treaty with Pergens, did by his Procurer Jonas Abeels insinuate to the Directors of the said Company at Amsterdam his arrest and attachments, and declared himself to be the true Proprietor of the said ships, and of all damages and losses thereby, protesting against the said Company in case they should make payment to any other: Moreover, that upon the 10 of Novemb. 1648. the Senators of Echebengs of Amsterdam did declare the Arrest of the said Jonas Abeels to be good and valid, and adjudged the same to be so; and the agreement made with Pergens was not till the 18 of Septem. 1649. so that this transport to Pindar is not a thing that hath been kept conceal'd till now, but the said Directors had timely and legal notice and advertisement thereof, but did notwithstanding thereof agree with Pergens, he proffering to acquit them for so small a summe as that 85000 Guilders; and that if they should have been able to have made good this agreement, they had for a matter of nothing ended a business of this value, and if they could not yet were sure not to be losers, the said Pergens giving them good security in that case to repay the said money with Interest, after the rate of 4 per cent. for such time as he should have it in his hands, and which security is yet good.

Moreover, upon the 26 of Novemb. 1649. which is about seven weeks after the aforesaid Agreement, the Senators of Echebengs of Amsterdam did again declare the attachment and arrest of Jonas Abeels to be valid, and the Law to be on Sir Paul Pindar's side, with all costs and damages.

And a'though such a rejoinder as this of their Lordships, in a case of this nature, could not but seem very strange at any time, yet much more at this, when it is known to all men that the conclusion of breaking off the Treaty with His Majesty, and consequently the good correspondence of his Kingdoms and these Provinces, depends singly upon the issue of this business; and if his Majesty were no ways satisfied with their Answer of the 22 of June, what can be expected to be the issue of this Resolution? And if it shall be said, what? will his Majesty stop a whole Treaty of that nature upon a particular business? The Answer is ready, that it is not his Majesty but their Lordships that do stop the Treaty upon this business; his

his Majesty did not desire nor intend that so much as mention should be made thereof in this Treaty, but to have left it to its course in the way it is; but their Lordships did of late offer certain preambles and general clauses to be inserted into the Treaty for the utter mortifying and extinguishing of it, or at least (as they have since been pleased to qualify it) for the removing it out of the amicable way in which it is now, and hath been these many months depending between their Lordships and him the said Envoy Extraordinary, and in which it is so far advanced, that all in a manner hath been said that can be said on either side, and thereby to put the persons who have already suffered so many years, and by which some of them have been utterly ruined, to a new, vast and endless dispute and charge elsewhere, the which their present low condition, and His Majesties honour can in no ways admit; especially when he considers that in the year 1659. the business of the Postillion, Frederick, Francis, and John, three Ships of London taken about Bantam in the East-Indies, by some Ships of the East-India Company of this Countrey was examined, debated, and determined, not by the ordinary Judge, but in a politick way by their Lordships, in like manner as is now actually depending the business of these two Ships.

And the said Envoy Extraordinary cannot but put their Lordships in mind upon this occasion, that their Lordships in their Resolution of the 10. of May last, given to him by their Agent de Heyde, will find that then there was no preamble before the Article concerning Commissioners, whereby to mortifie matters before 1654. and 1659. respectively; yea that toward the close of the said Resolution they would perswade to have accepted the term of 1659. for Commissioners, as well out of the East Indies as in the East-Indies, upon this Argument, that though the Commissioners should only have taken cognisance from 1659. yet that such whole grievances were before that time, should not be deprived, but have their liberty of other remedies: And if their Lordships please to look over the Memorial of him the said Envoy Extraordinary of the 28 of June last, and which was the occasion of the Audience of the 4 of July following, given by his Majesty to their Embassadors, they will find the words of the said Memorial to be expressly these; (That His Majesty was content that nothing should be put upon the List of Damages, to be decided by Commissioners, as to matters happened in the East-Indies, which were known at London the 20. of Jan. 1659. but would leave them to other remedies. These are the express words in the said Memorial, whereby their Lordships may perceive how far it was from ever being imagined, much less intended, that by yielding Commissioners from 1659 all matters before that time should be cut off from all other remedies, and absolutely mortified.

And if it shall be objected, that if satisfaction should be made for these two Ships, that it might be an Incouragement and give occasion to others to bring in their antiquated complaints also: It is answered, that though his Majesty might with justice have insisted

hereupon, and the rather considering how many of his best Subjects were sufferers by this Country during the late Broils in his Kingdoms; yet it hath pleased his Majesty (to shew His strong passion to have this Treaty happily concluded) to admit of their late preamble, whereby all differences of this kind before 1654. out of the East-Indies, and all differences in the East-Indies before 1659. are mortified, excepting only the business of the two Ships; for the obtaining satisfaction for which he is obliged both in honour and word; so that if the Treaty come to a conclusion this objection is out of Doors, but if not, others whose number is not small, as well as the persons interested in these two Ships, will put in for justice.

And whereas it is commonly scattered to and again, as if although the business of these two Ships were excepted or ended, that yet new difficulties and matters would be proposed on the part of His Majesty; and so the Treaty still kept off: The said Envoy Extraordinary doth demand of their Lordships what one difficulty hath been propounded on His side for these six or eight months, other than that one which deserves not be mentioned, viz. the having of some other to be Umpire, and not the Switzes; and this being so, he cannot attribute reports of this nature to any thing but very bad information, or no great desire at least of having the Treaty brought to a good issue; and he doth assure their Lordships, that as the dispute about these two Ships, its being brought into the Treaty, arose not from His Majesty, but from this State; so that no new matter will be propounded by Him or His Commissioners, but that the business of these two Ships being referred to be continued in the way in which they are, or immediately if their Lordships see good, brought to an issue, the Treaty will be forthwith concluded: the which His Majesty doth, and all good men ought, to their utmost, to desire and promote, for the avoiding those deluges of miseries which the breaking off thereof will certainly let in; and it is an easie matter when boaters are within their bounds to keep them so, but very hard to return them to their old Channels when they have found a new one.

Given at the Hague the 30 of August 1662.

George Downing.

Afterwards the States General made several Resolutions, or pretended to make such Resolutions, to send for their Embassadors from ENGLAND, without any Effects of the Treaty; whereupon their Embassadors went several times to the King and chief Ministers of

of State, solemnly to crave their Credential Letters to be gone; which were prepared ready for them, and His Majesty ordered the Secretaries of State that they should be delivered as soon as they pleased to call for them: But afterwards the Embassadors, upon better consideration, entred into further conference with the Kings Commissioners, and concluded the Treaty with the Clause in the XV. Article, containing these words within a Parenthesis (*hoc excepto, quod scilicet qui se iacturam passos dicunt in duabus Navibus, videlicet, Bona Adventura & Bona Esperanza, poterunt litem inceptam proseguere*) which litem inceptam was agreed after three weeks debate on it before the Treaty, and concluded, that it should be understood and construed to be in the way it now depended between the King and the States General, and not left to the ordinary course of Justice in Holland.

The Articles of the Treaty being thus agreed and concluded, after they were signed by the Embassadors and Commissioners, the Embassadors sent them away by a Gentleman of their owne, with a Letter to the States General.

Articuli Fœderis & Amicitiae inter CAROLUM II.
Magnaë Britanniae, &c. Regem, & Ordines Generales Fœderati Belgii.



Ostquam Divina Providentia nuperos in *Anglia* motus suaviter composuerat, & Serenissimum *Magnaë Britanniaë* Regem ad avita Regna ac dominia sua, admirabili quodam populorum applausu reduxerat, dictus Dominus Rex eo statim curas & cogitationes applicuit, ut pacem, amicitiamque cum Vicinis & Confœderatis suis vel continuaret, vel redintegraret. Ex omnibus autem Gentibus, quæ cum dicto Domino Rege, vel cum Regiis Prædecessoribus suis unquam sociatæ sunt, nullas Celsis ac Præpotentibus Ordinibus generalibus Fœderati Belgii præferendas esse censuit; tum quod dictus Dominus Rex, ejusque Prædecessores propensum semper, & benevolum Animum

mum erga dictos Dominos Ordines, eorumque Rempubicam ostende int, tum quod mutua subditorum dicti Domini Regis Dominorumque Ordinum Generalium commoda & commercia, & præsertim ejusdem religionis professio, singularem quandam affectus, & consilii unionem, ad utriusque populi stabilitatem & incrementum postulare videantur. Cumque dicti D. Ordines moti super memoratis rationibus nihil antiquius habuerint, quam ut omnimodò pristina fœdera inter dictum D. Regem dictisque Dominos Ordines renovarentur, & firmiori nexu stringerentur: Ideoque Legatos suos Extraordinarios in *Angliam* miserint Dominum *Ludovicum de Nassau*, Dominum *de Lecke*, *Beverwaert*, *Odiocke*; *Simonem van Hoorn*, Consilem & Consiliarium Urbis *Amstelodamensis*, Deputatum in Consilio ordinario *Hollandiæ & Westfrisiæ*; *Michaellem van Gogh* antehac Syndicum & Consiliarium Urbis *Flissingensis*, Deputatum ad rationes Provinciales *Zelandiæ*; *Jochimum Ripperda de Fersum* Urbis *Appingadam*, *Helm*, *Uytwaarda*, *Marsum*, *Byrsum*, *Salweert* & *Eversum*; Deputatos *Hollandiæ*, *Zelandiæ & Groningæ & Omlandia* in consensu Ordinum Generalium, ad arctiorem firmioremque pacem & amicitiam cum dicto Domino Rege incedendam: placuit dicto Domino Regi deputare ex parte sua Commissarios & Procuratores suos à secretiori sacre Regiæ Majestatis Consilio *Johannem* Baronem *Robarts* Custodem privati sigilli; *Georgium* Ducem *Albemarle* exercituum in *Magna Britannia & Hybernia* Capitanum generalem & equorum Regionum Magistrum; *Edwardum* Comitem *Mancestræ*, hospitii Regii Camerarium; *Hieronymum* Comitem *Portlandiæ*; *Densillium* Baronem *Hollis*; *Antonium* Baronem *Ashley* Scaccarii Regii Cancellarium, & subthaurarium; *Carolus* *Barckly* equitem auratum, hospitii Regii Thesaurarium; *Georgium* *Carteret*, equitem auratum & Baronetrum, hospitii Regii Vice-Camerarium; *Edwardum* *Nicholas*, equitem auratum, unum, atque *Guilielmum* *Morice* equitem auratum, alterum primariorum Regis Secretariorum, ut super proposito fœdere cum dictis Legatis tractarent, concluderentque secundum Litteras plenæ potestatis, utrinque exhibitas: Tandemque inter dictos Regiæ Majestatis Commissarios ab unâ, Dominorumque Ordinum Legatos ab altera parte, conventum & concordatum est,

I.

Imprimis, quod ab hoc die sit vera, firma, & inviolabilis pax, amicitia, sincerior, intimior atque arctior Confœderatio & Unio inter Serenissimum *Magna Britannia* Regem, atque Cellos & Præpotentes Ordines Generales Fœderatarum *Belgii* Provinciarum, Terrasque, Regiones, Civitatesque sub utriusque ditione sine distinctione locorum positas, earumque subditos, & incolas, cujuscumque demum gradus fuerint.

II.

Item uti dictus Dominus Rex, dictique Domini Ordines Generales, maneant Amici, Confœderati, necessitudine & amicitia conjuncti & adstricti, ad jura atque immunitates subditorum alterutrius contra quoscumque demum tuendas, qui utriusque status pacem, terrâ marive disturbare conabuntur, vel qui intra alterutra dominia degentes publici utriusque status hostes denunciabuntur.

III.

Item quod dictus Dominus Rex, dictique Domini Ordines Generales: nihil agent, facient, molientur, tractabunt, aut attentabunt, adversus alterutrum vel subditos alterutrius, quocumque in loco, sive terrâ, mari, portibus, districtibus, finibus, & aquis dulcibus, quacumque occasione: nec eorum alter, vel subditi alterutrius, dabit, præstabit, vel ministrabit ullum auxilium, consilium, seu favorem, neque quicquam agi, tractari vel attentari ab alio quoviscumque assentiet in damnum, aut præjudicium alterius, vel subditorum alterutrius, sed omnibus & singulis de gentibus vel commorantibus, vel existentibus inter alterutrius dominia, qui contra alterutrum quicquam agent, facient, tractabunt, vel attentabunt, uterque expressè, & cum effectu contradicet, renitetur, atque impedimentum realiter præstabit.

IV.

Item quod neque dictus Dominus Rex, vel dicta Respublica, neve ullus ex subditis alterutrius, incolis, aliisque in eorum ditione commorantibus alterutrius, Rebelli quocumque subsidio, consilio, studio fovebit & adjuvabit, sed expressè contradicet, atque effica-

efficaciter obstat, ne quid auxilii, aut adjumenti ab ullo, qui aut ex subditis, incolis, aut commorantibus in alterutrius Dominiis fuerit, ullis istiusmodi Rebellibus prædictis, seu sint Viri, Naves, Arma, bellicus apparatus, aliave bona interdicta, neque etiam, pecunia, aut commeatus seu victualia, mari vel terrâ submittantur, aut suppeditentur: atque omnes Naves, Arma, bellicus apparatus, aliave bona interdicta, etiam pecunia & commeatus ad quamcunque personam, vel personas pertinentia, quæ contra sensum hujus articuli submittentur aut suppeditabuntur, eidem parti (ubi personæ contravenientes fuerint) addicentur, & in hunc cedent: quin & ii, qui scientes & volentes quicquam contra sensum hujus articuli fecerint, commiserint, attentaverint, consiliumque dederint, utriusque partis hostes judicabuntur, atque ibi perditionis præis luent, ubi id commissum aut perpetratum fuerit: de specificatione autem earum mercium, quæ prohibita aut contrabanda censentur, postea provisum erit.

V.

Item quod dictus Dominus Rex, distique Domini Ordines Generales sibi mutuo, sincerè & fideliter (prout opus fuerit) contra alterutrius Rebelles terrâ marique opem ferent, viris & navibus eâ proportionè, eoque modo, iisque conditionibus, de quibus postmodum convenierint, prout necessitas & rerum alterutrius ratio tulerit, sumptibus tamen & expensis illius partis quæ auxilium rogaverit.

VI.

Item quod neque dictus Dominus Rex, neque dicta Respublica, subditive, rebellem vel rebelles, profugum vel profugos alterius declaratos, vel declarandos, in ejus dominia, terras, regiones, portus, sinus, aut districtus, eorumve aliquod recipiet, neque iis, vel eorum alicui in prædictis locis, vel alio quocunque etiam extra sua Dominia, patrias, regiones, terras, portus, sinus, aut districtus, auxilium, consilium, hospitium, milites, naves, pecunias, arma, apparatus bellicum, vel commeatum concedet, præstabit, aut ministrabit: neve alteruter istiusmodi rebelles, profugos à quacunque personâ, vel personis recipi permittet in sua Dominia, patrias, regiones, terras, portus, sinus, districtus: nec istiusmodi rebellibus, profugis, ullum auxilium, consilium, hospitium, favorem, arma, apparatus, milites, pecunias, aut commeatum præstari, ministrari, aut concedi permittet, sed expressè, & cum effectu contradicet, obstat, atque impedimentum realiter præstabit.

VII.

Item quod si alteruter, aliquem vel aliquos, suum vel suos fuisse vel esse rebellem, vel rebelles, profugum, vel profugos, & in sua Dominia, territoria, patrias, portus, districtus, vel eorum aliquod, receptum, vel receptos esse, aut ibidem commorari, latitare, vel profugium sibi querere, per litteras suas publicas, & authenticas alteri significaverit, & declaraverit: tum illa pars, quæ hujusmodi litteras receperit, vel cui taliter significatum, vel declaratum fuerit, intra spatium viginti octo dierum à die prædictæ significationis proximè & continuè numerandum, tenebitur dicto rebelli, vel rebellibus, profugo, vel profugis præcipere & mandare, ut extra sua Dominia, patrias, regiones, terras, districtus, & eorum quodlibet singuli exeant & recedant, & si quis prædictorum rebellium aut profugorum, intra decimum quintum diem, à die hujusmodi præcepti & mandati non recesserit & exiverit, singuli morte, & amissione prædiorum, & bonorum multabuntur.

VIII.

Item quod nullus rebellis dicti Domini Regis *Magna Britannia*, in aliqua castra, oppida, villas, portus, districtus, vel alia loca seu privilegio donata, vel non donata, quæ aliqua persona, cujuscunque status & dignitatis existat, vel existet, infra dominia, & territoria Fœderatarum Provinciarum, quocunque jure vel titulo tenet, vel possidet, vel deinceps tenebit, vel possidebit, recipietur; nec in ea per aliquam personam, cujuscunque status & dignitatis fuerit, recipi, vel in iisdem commorari permittetur, aut tolerabitur: neque dicti Domini Ordines Generales alicui ejusmodi rebelli in locis prædictis, in navibus, militibus, pecuniis, commeatu aut alio quocunque modo, auxilium, consilium, vel favorem per aliquam personam, cujuscunque status aut dignitatis fuerit, de cætero dari aut præstari permittent, aut tolerabunt, verum id publicè & disertè prohibebunt, atque efficaciter impediunt, & si aliqua

aliqua persona, vel personæ cujuscunque status aut dignitatis fuerint, manens vel degens, manentes vel degentes infra dominia Fœderatarum Provinciarum, earumve potestates, contra hujusmodi conventionem aliquid fecerit, seu fecerint, quod tunc omnes & singulæ personæ taliter facientes, omnibus hujusmodi castris, oppidis, villis, prædiis, cæterisque locis, quæ illi, vel eorum alter eo tempore habent, aut habet, vel quocunque jure aut titulo se habere prætendent, vel prætendet, pro termino vitæ suæ exuentur, & privabuntur: pariter nullus rebellis dictorum Dominorum Ordinum Fœderatarum Provinciarum, in castra, oppida, portus, cæteraq; loca, eorumve aliquod, sive privilegio donatum, sive non donatum, quod qualibet persona, vel personæ cujuscunque status aut dignitatis existat, aut existant, quocunque jure aut titulo tenet, aut tenent, possidebit vel possidebunt, infra Regna, vel Dominia dicti Domini Regis *Magna Britannia* recipietur, vel à quacunque persona, vel personis recipi, inibique versari permittetur, neq; dictus Dominus Rex *Magna Britannia* alicui ejusmodi rebelli in locis prædictis, in navibus, militibus, pecuniis, comæatu, aut alio quocunque modo, auxilium, consilium, aut favorem per aliquam ejusmodi personam, vel personas, cujuscunque gradus sit, de cætero dari aut præstari permittet, aut tolerabit, sed publicè & diserte prohibebit, & efficaciter impediet. Et si quis è dicti Domini Regis subditis vel infra illius Dominia contra ejusmodi conventionem quicquam fecerit, vel attentaverit, omnes & singulæ personæ taliter facientes omnibus istiusmodi castris, oppidis, villis, prædiis, cæterisque locis, quæ illi, vel eorum alter id temporis habent, aut habet, vel quocunque jure, aut titulo se habere prætendent, aut prætendet, pari modo pro termino vitæ suæ exuentur & privabuntur.

IX.

Item quod dictus Dominus Rex *Magna Britannia* Subditique ejus, omnesque Majestatis suæ Dominiorum Incolæ; item prædictæ Fœderatæ Provinciæ, earumque Subditi & Incolæ, cujuscunque ordinis & conditionis fuerint, ad sese mutuò rebus omnibus humaniter atque amicè tractandum obligabuntur, uti terrâ vel aquâ alterutrius Regionis, Oppida, Pagos, sive muro cinctâ, sive non cinctâ, sive munita, sive non munita, portus etiam, & universam partis utriusque ditionem in *Europa* liberè & securè adire possint, in iisque versari & commorari quamdiu voluerint, ibique sine ullo impedimento comæatum suum, usibus quantum necesse erit, cœmere, atque etiam negotiari, atque mercaturam facere, quocunque mercium genere ipsis videbitur, easque advehere suo arbitrati, aut exportare, dummodo, quæ statuta sunt, portoria solvant; salvis etiam alterutrius Domini legibus, ac statutis omnibus; Ita tamen ut Subditi & Incolæ utriusque partis commercium suum exercentes in alterutrius Regionibus & Ditionibus, non obligentur imposterum plus portorii, Censui, Vectigalium aut aliorum tributorum solvere, quàm pro rata proportionis, quam alii Extranei solvunt in iisdem locis mercaturam exercentes.

X.

Item quod naves, & navigia dictarum Provinciarum Fœderatarum, tam Bellicæ, & ad hostium vim propulsandam instructa, quàm alia, quæ alicui è navibus Bellicis dicti Domini Regis *Magna Britannia* in maribus *Britannicis* obviam dederint, vexillum suum è mali vertice detrahent & supremum velum demittent, eo modo, quo ullis retrò temporibus unquam observatum fuit.

XI.

Item in majorem Commercii & Navigationis libertatem, conventum & conclusum est, quod dictus Dominus Rex *Magna Britannia*, dictique Domini Ordines Generales, in Portus suos, Urbes & Oppida, non recipiant, neque sinent ut ullus ex subditis alterutrius recipiat Piratas aut Prædones, iisve hospitium, auxilium, aut comæatum præbeant; verum operam dabunt, ut prædicti Piratæ & Prædones, eorumve Piraticæ participes, concij, & adjutores in aliorum terrorem investigentur, capiantur, & merito supplicio puniantur, omnes naves, bona, & merces piraticè ab iis captæ, atque in portus alterutrius Domini advectæ, quæ quidem inveniri poterunt, imò etiam si venditæ sint, justis Dominis restituentur, & satisfactio dabitur vel earum Dominis, vel iis, qui per literas procurationis eas res vendicaverint, modo

do ejus Domini debitis ex lege probationibus, in Curia causarum maritimarum appareat.

XII.

Item non permissum erit subditis Regiæ Majestatis, Incolis Regnorum, aut terrarum illi obedientium, aut Incolis & Subditis Federati Belgii hostile aliquid, aut violentum invicem moliri, aut facere, sive mari, sive terrâ, nullo prætextu aut colore: & per consequens non licitum erit dictis subditis aut incolis ab aliquo Principe aut Statu, quibus cum alterutro Fœderatorum discordia aliqua, aut bellum apertum est, literas patentes (quas commissiones vocant) aut repressalias impetrare, & multò minus vi istarum literarum subditos alterutrius Fœderatorum aliquâ molestiâ aut damno afficere: neque etiam permissum erit armatoribus extraneis, non subditis uni aut alteri Confœderatorum, habentibus commissiones ab aliquo alio Principe, aut Statu, ut in portibus unius aut alterius partium prædictarum haves suas instruant, ea quæ ceperunt, vendant, redimere faciant, aut alio modo quocunque mutent, tam naves, mercimonia, quàm alia onera quæcunque; & nequidem victualia cœmere illis licitum erit, nisi quæ necessaria erunt ad perveniendum ad portum proximum illius Principis, à quo commissiones obtinuerunt; Et si fortè aliquis subditorum Regiæ Majestatis, aut dictorum Dominorum Ordinum Generalium emerit, mutatione aut alio quocunque modo sibi acquisiverit, ejusmodi navem aut mercimonia, quæ à subditis unius aut alterius capta fuerunt, eo casu dictus subditus tenebitur dictam navem, bona aut mercimonia restituere proprietariis, aut refundere pecuniam pro dictis rebus solutam aut promissam, modò coram consilio Regiæ Majestatis aut dictis Dominis Ordinibus Generalibus probaverint, sese earum rerum proprietarios esse.

XIII.

Item si dictus Dominus Rex *Magna Britannia*, aut Domini Ordines Generales Fœderati Belgii, ullum fœdus, amicitiam, confœderationem, aut necessitudinem cum aliis quibuscunque Regibus, Rebus publicis, Principibus, aut Statibus contrahant, aut pacificentur, alteruter alterum, ejusque Dominia in iis eorumve quolibet comprehender, si comprehendi voluerit, atque de omnibus istiusmodi amicitia & Confœderationis tractatibus certiore reddet.

XIV.

Item quod si acciderit, ut quam diu fœdus, amicitia, & societas hæc duraverit, ab ullo ex subditis aut incolis alterutrius partis contra hoc fœdus, aut ullum ejus membrum, mari, terrâ, aut aquis dulcibus quicquam fiat aut tentetur, amicitia hæc, fœdus & societas inter has nationes non idcirco interrumpentur, aut infringentur, verùm integra nihilominus perstabunt, vimque suam plenariam obtinebunt, tantummodo illi ipsi, qui contra fœdus prædictum commiserint, singuli punientur, & nemo alius, justitiaque reddetur, & satisfactio dabitur illis omnibus quorum adinterest, ab iis omnibus, qui terra, mari, aut aliis aquis contra hoc fœdus quicquam commiserint, ullâ in parte Europæ aut ubivis locorum intra fretum Gaditarum, sive in America, vel per Africæ littora, ullivse in Terris, Insulis, æquoribus, æstuariis, sinibus, fluminibus, ullivse in locis cis caput Bonæ spei intra anni spatium quàm justitia postulabitur, in omnibus autem (uti supra dictum est) ultra prædictum caput locis, intra menses octodecim quàm justitia prædicto modo postuletur; Quod si verò fœderis ruptores non comparuerint, neque se judicandos submiserint, neque satisfactionem dederint intra hoc vel illud temporis spacium pro loci longinquitate constitutum, prædicti illi utriusque partis hostes judicabuntur, eorumque bona, facultates, & quicunque redditus publicabuntur, plenæque, ac justæ satisfactioni impendenda erunt earum injuriarum quæ ab ipsis illatæ sunt, ipsique præterea cum in alterutrius partis potestate fuerint, iis pœnis obnoxii erunt, quas suo quisque crimine commoverit.

XV.

Item conventum & conclusum est inter dictum Dominum Regem *Magna Britannia* ac dictos Dominos Ordines Generales Fœderati Belgii, quod Insula *Puleron* restituetur dicto domino Regi, aut iis qui ad hoc diploma à Rege sub magno *Anglia* sigillo acceperint, idque simul ac aliquis tali instructus diplomate illuc pervenerit, & illam restitutionem petierit; & quo illud facilius ac certius ad exitum perducatur ab Ordini-

60 *The Case between the Assignes of William Courten*

nibus Generalibus & societate Indica, quæ est apud *Belgas*, diplomata ad hoc necessaria ipsi tradentur statim post ratificationem hujus Tractatus. Et quod per restitutionem istius *Insulae Puleron*, actiones ac prætensiones omnes, quas subditi unius & alterius partis ob damna, injurias & offensiones invicem in India illatas, & in *Anglia* cognitas ante 1^o Januarii 1653^o sibi competere putant, (Hoc excepto quod scilicet qui se jacturam passos dicunt in duabus navibus, videlicet *Bona Aventura* & *Bona Esperanza*, poterunt litem inceptam prosecui) cessabunt, extinguentur, & annihilabuntur eo quo sequitur modo, ut omnes offensa, injuria, damna, ac dispendia (excipiendo prius excepto) quæ pars una ab altera pertulit, aut quomodolibet se pertulisse causari posset in Indiis Orientalibus, quorum quidem notitia aliqua fuerit *Londini* apud *Anglos*, aut *Haga-Comitum* apud *Belgas*, ante vigesimum diem Januarii anni 1659. *St. Nov.* aut decimum Januarii anni 1658. *St. V.* in cæteris verò mundi plagis ex capite quarumcunque actionum, aut rerum, quæ contingere ante publicationem & notitiam pacis inter utramque gentem initæ die 1^o Martii anni 1653^o penitus deletæ atque extinctæ remanebunt. Ita ut neutra dictarum partium alteri negotium faceffet ob aliquod istiusmodi damnum, offensam, injuriam, aut dispendia (excipiendo prius excepto) sed earum omnium singularumque perfecta erit remanebit que abolitio, omnesque eo nomine lites, actiones, cassæ nullæque erunt; cætera autem damna, offensa, injuriæ, & dispendia quæ gens *Anglicana* seu publico, seu privatorum nomine affirmare poterit sibi obvenisse aut illata esse à Fœderatorum *Belgarum* regimine, aut à societatibus, vel privatis eidem regimini subiectis; uti & vicissim quæ Fœderati *Belgii* subditi seu publico, seu privato nomine sibi advenisse aut illata esse causari poterunt ab *Anglorum* regimine, aut à societatibus, vel privatis iisdem subiectis in Indiis Orientalibus, post diem 1^o Januarii 1653^o, aut saltem quorum notitia ante eum diem *Londini*, aut *Haga* mitis non fuerit, atque in cæteris mundi partibus post publicationem & notitiam pacis prædictæ anni 1653^o, absque ulla personarum seu loci & temporis ulteriori distinctione & exceptione submittentur, sicut hisce tabulis submittentur, examini, arbitrio, & decisioni Commissariorum, aut Arbitrorum, modo & conditionibus ut sequitur.

Ut Commissarii in res præteritas tantum constituentur; nequaquam verò in futuras, quæ post diem conclusi tractatus accidisse poterunt.

Ut commissio eorum in præterita solummodo (ut jam dictum est) directæ, clausulam ullam generalem nequaquam contineat, sed expresse circumscribatur ac limitetur catalogo speciali, qui commissioni adjungetur; ita ut præter actiones eodem catalogo speciali qui commissioni adjungetur, descriptas, de nulla alia re cognoscere ipsis integrum sit.

Ut autem de eo utrumque conveniat, catalogus ab utraque parte conficietur, & utrinque commutabitur, ut hinc inde ritè, ac debitè examini subjici possit, ac si vel in hoc, vel in illo inveniantur res qualescunque ad *Indias Orientales* spectantes, quæ ante diem 1^o Januarii anni 1653^o *Londini* notæ fuerunt quoad actiones *Anglorum*, aut eodem tempore *Haga-Comitis* quoad actiones Fœderatarum Provinciarum, vel in cæteris mundi plagis ante publicationem & notitiam pacis prædictæ anni 1653^o acciderint, aut etiam aliæ actiones ejus naturæ, ut hujusmodi arbitrio submitti minus aptæ censeantur, ex catalogo expungentur.

Postquam itaque de hisce catalogis utrinque conventum erit, annus integer constituetur, quo, inter serenissimæ suæ Majestatis Ministrum atque Ordinum Generalium Commissarios, *Haga-Comitis*, negotia omnia iisdem catalogis contenta per amica colloquia componantur, & prætendentes, vel eorum Mandatarii hunc in finem speciali mandato muniti, ante exitum sexti mensis prædicti anni *Haga-Comitis* sistere sese tenebuntur.

Hoc autem anno elapso omnes ex actiones ob quas Prætendentes vel eorum Mandatarii *Haga* fuerint, eo intuitu, ut de iis amicabiliter transigeretur, quod per legitimum testimonium ablegati Regis *Magna Britannia* & Commissariorum Ordinum Generalium, aut alterutrius probare tenebuntur, & de quibus tamen antea ita transactum non fuerit, ad dictos Commissarios remittentur, ut tandem per eos aut componantur, aut decendantur; qui quidem Commissarii post dictum annum elapsam; si aliquæ

aliquæ actiones tunc temporis ita amicè non fuerint compositæ, eo fine *Londini* convenient, eruntque quaterni ab utraque parte, instruentur autem & munientur auctoritate, fietque porro hæc ipsa submissio, & progressus in omnibus & per omnia eodem prioris modo quo anno 1654. factum fuit. Ita tamen ut in hisce superatbitrium Protestantibus Helvetiorum Cantonibus non deferatur.

XVI.

Item quod dicti Domini Regis subditi, quique sub ejus ditione fuerint, possint libere, tuto ac securè in Fœderati *Belgii* Provinciis, & singulis suis Ditionibus in *Europa*, perque eas terræ vel aquæ ad ulla in iis loca, vel ultra eas iter facere, perque ulla earum oppida, præsidia, munimenta, transire, quæ ulla in locis Fœderatarum *Belgii* Provinciarum, aut alibi in eorum ditionibus in *Europa* sunt, vel erunt, mercaturam in omnibus illis locis facere, eorumque negotiatores, infitores, familie, armati sive inermes (armati autem non amplius quadraginta simul) tam sine bonis suis & mercimoniis, quam cum iis, quocunque ire voluerint, poterit item populus & incolæ Fœderatarum *Belgii* Provinciarum eadem libertate frui in omnibus dicti Domini Regis ditionibus in *Europa*, dummodo in hujusmodi commercio & mercatura, singuli alterutrius Domini legibus & statutis utrimque pareant moremque gerant.

XVII.

Item si naves mercatoriz unius aut alterius subditorum per tempestatem, vel Piratas, vel aliam quamcunque necessitatem, portum unius, aut alterius Domini intrent, inde securè & libere recedant cum Navibus & mercimoniis absque aliqua vestigialium aut aliorum jurium solutione; ita tamen ut onus non distrahant aut dividant, aut venale quicquam proponant, nec molestiæ quæcunque, aut visitationi subjiciantur, modo nec personas aliquas, nec merces in navem receperint aut quocquam egerint contra leges, statuta, aut consuetudines ejus loci ubi portus (uti præmissum est) intraverint.

XVIII.

Item quod mercatores, naucleri, gubernatores & nautæ alterutrius partis, eorumque naves, bona, aut mercimonia in terris, portibus, navium stationibus, aut fluminibus alterius non prehendantur, vel sub arresto detineantur ex edicto quovis generali aut speciali, sive ad bellum, sive ad alium quemlibet usum, nisi summa necessitate id cogente, iusta etiam satisfactione ob id data, ita tamen ut detentionibus & arrestationibus quæ ex jure & legibus alterutrius Domini rectè atque ordine fiant, nihil hinc derogatum sit.

XIX.

Item uti mercatores utrimque, eorum infitores & famuli, atque etiam naucleri aliique nautæ, tam eundo quam redeundo navibus per maria aliisque aquas, quam in portibus alterutrius, aut in terra egressi, sui suorumque bonorum defendendi causa, omne genus arma, tam offensiva, quam defensiva gestent utanturque; verum ubi ad sua quisque hospitia, ac diversoria pervenerit, ibi arma sua deponet, ac relinquet, donec rursus ad navem se receperit, aut eo commorari velit.

XX.

Item quod naves præfidiariz seu *Belicæ* alterutrius partis quamcunque in mari navem, vel naves mercatorias, quæ ad alterum vel alterius subditos aut Incolas pertinerint, quæ eundem cursum tenerint, idemve iter fecerint, obviam habentes aut assequentes iis præsidio esse, easque defendere tenebuntur, quam diu eundem cursum tenerint contra omnes & singulos qui eas vi adorientur.

XXI.

Item si qua navis aut naves, quæ subditorum aut Incolarum alterutrius partis, aut neutralis alicujus fuerint, in alterutrius portibus à quovis tertio capiuntur, quæ ex subditis & Incolis alterutrius portus non sit, illi quorum in portu aut ex portu, aut quacunque ditione prædictæ naves capte fuerint, pariter cum altera parte dare operam tenebuntur in prædictis nave, vel navibus insequendis & reducendis, suisque Dominis reddendis, verum hoc totum fiet Dominorum Impensis aut eorum quorum id Interest.

XXII.

Item quod scrutatores caterique id genus officiales ex utraque parte ad normam legum alterutrius Domini sese dirigent, neque plus imponent, exigente, quam per auctoritatem sui commissarii & cepta mandata liceant.

XXIII.

Item si qua injuria ab alterutro Dominio exiive subditis aut incolis illata sit, five contra illos hujus Federis Articulis, five contra jus commune, uti nulla licere repellere, merces, aut contramercos, ab alterutra concedantur, donec iustitia prius juxta legem ordinariis possuletur; finem illi iustitia vel denegetur vel in longum protrahatur, cum utriusque Domini Rex dictique Domini Ordines Generales aut delegati eius domini cuius subditi & incolae injuria affecti sunt, ab altero in quo iustitia (ut supra dictum est) denegatur aut differtur, aut ab illa potestate qua huiusmodi postulatis audiendis constituta erit, publice iustitiam postulent, ut omnes huiusmodi lites vel amicos componantur, vel ordinario legum processu; finem autem mora adhuc interposita sit neque eis reddetur neque satisfactio debita infra tres menses quam in iustitiam postulata lata fuerit, tum demum ut lites repellat, merces vel contramercos concedantur.

XXIV.

Item quod illi qui specialia diplomata aut commissiones ab alterutra parte obtinuerint priusquam illa diplomata accipiant, idem eo iudicio quia ipsi exhibebit, sufficientem fiduciarum cautionem interponant, per ejusmodi homines qui respondendo pares sunt, & non eiusdem socii aut participes, se nullam damnam aut injuriam alterutrius subditis aut incolis illaturam.

XXV.

Item conventum & concordatum est, quod utriusque partis subditi & incolis ad Portus utriusque liberi semper sit accessus, insilique commorari, & inde rursus recedere liberum & licitum erit, non solum cum navibus Bellicis, five ad dictum Dominum Regem, dictorum Dominos Ordines Centrales spectent, five eorum sint qui specialia diplomata obtinuerint, five tempestatis aut maris periculo interverint, five ut naves reparant aut commensum coquant, modo personarum navium Bellicarum numerum non excedant, si sua sponte intraverint, nec diutius in Portibus aut circa Portus harent, quam ad navium reparandam, coemenda victualia, aliave necessitates fuerint necesse. Et si major navium Bellicarum numerus danti occasione ad ejusmodi Portus velit accedere, eas intrare nequaquam sit licitum, nisi prius impetrata ab his venia, ad quos Portus illi predicti pertinerint, nisi tempestate, aut vi aliqua, aut necessitate compulsi fuerint, quo maris pericula effugerent, quod cum acciderit, Praefectum ejus loci, aut summum Magistratum statim de causa sui adveniens certiore faciente nec diutius ibi herebunt, quam illis a Praefecto, aut summo Magistratu permissum erit, nec in his Portibus commorantes hostile aliquod, aut quicquam in praefidium eorum molientur.

XXVI.

Item conventum & conclusum est, quod utraque pars verè ac similiter observabit atque executioni mandabit praesentem tractatum, omniaque & singula in eo contenta & comprehensa, atque eadem ab alterutrius subditis & incolis observari & praestari efficaciter curabit.

XXVII.

Item, ad majorem castellan & securitatem tractatus hujus & considerationis à parte dictorum Dominorum Ordinum Generalium & Provinciarum Provinciarum, eorumque populi sincere & bona fide praestande, conventum & conclusum est, sicut & dicti Domini Ordines Centrales his praesentibus conveniunt, seque similiter obligant & devincunt, quod omnes & singuli, quos aut quem, vel ipsi, vel Ordines Provinciarum quocunque domum tempore eligent, constituent, aut praesentem Capitaneum Generalem, Gubernatorem, seu Praesidem primum, five Praesidentem, Imperatorem Exercituum, seu militem in terra, vel Admiratum, seu Praetorem Classium, navium, copiarumve maritimarum, obligabuntur, & devincuntur, hunc Tractatum, & omnia ejus capitula juramento confirmare, itaque sanctè & cum juramento spondere, se quantum

quantum possint, omnia ea religiose observaturos, & curaturos, ut ab aliis observentur & executioni mandentur.

XXVIII.

Item conventum, conclusum, & concordatum est: quod praesens Tractatus, atque omnia & singula in eo contenta & conclusa à dicto Domino Rege *Magna Britannia*, dictisque Dominis Ordinibus Generalibus Foederatarum Provinciarum per patentes utriusque partis literas Sigillo magno munitas, debita & authentica forma, intra tres menses proxime insequentibus (aut citius si fieri poterit) confirmabuntur, & rata habebuntur, mutuaque instrumenta intra praedictum tempus hic inde extrahentur, nec non & tractatus hic & confederatio statim à traditis & permutatis instrumentis forma & locis solitis publicabitur.

Articulus Separatus.

SI forte aliqua Tapeta, Peristromata, Aulza, Picturae, suppellectiles cujuscunque generis, vel lapides pretiosi, Clinodia, Monilia, Gemmae, vel alia quaecunque bona mobilia ad Regem *Magna Britannia* spectantia, penes dictos Ordines Generales, aut aliquem subditorum tuorum jam tunc sunt, aut de futuro reperientur, dicti Domini Ordines promittunt sese nullo modo protecturos possessores aliquorum mobilium dictam ad Dom. Regem pertinentium, quae eis auferri poterunt eo modo, ut nullis iniquitate, aut injustitia efficiantur illi, qui gravabuntur illa sua sponte restituere: dictique Ordines promittunt sese modo quam efficacissimo operam daturos, ut de plano & summatim in isto negotio procedatur sine ordinaria forma, & modo procedendi in curiis usitato, & ut justitia administretur, atque satisfiat dictae Regiae Majestati quantum fieri poterit absque laesione alicujus.

Item quod si qui eorum qui rei sunt illius nefandi parricidij in Regem *Carolus* primum beatissimae Memoriae admitti, ac legitime de eodem scelere attingi, condemnati, aut convicti, vel jam sunt in Dominis dictorum Ordinum Generalium, vel postea illic advenire, statim quamprimum dictis Ordinibus Generalibus, vel aliquibus officialibus suis innotuerit, vel relatum fuerit, praehensi in custodiam dentur, & victi in *Angliam* remittantur, vel in eorum manus tradantur, quos dictus Dominus Rex *Magna Britannia* iis custodiendis domumque revehendis praefecerit. In quorum fidem praesentem articulum nos Commissarii Sacrae Regiae Majestatis *Magna Britannia* subscripsimus, iisdemque sigilla nostra apposuimus. Actum apud *Whitchal* decimo quarto die *Septembris* anno millesimo sexcentesimo sexagesimo secundo.

Extraordinaer Schryvens van de *Nederlandtsche* Ambass: in *Engelandt*, meldende op wat maniere noch eyndelick de Tractaten, met den Koninck geslooten sijn.

Mijn Heeren,



N het afgaen van onsen laesten banden 8 deses, hebben wy de duplicata van hare Hog: Hog: resolutie banden 5 dito ontfangen, en sijn wy op Maendagh voorszeden wederom met de Heeren Koninckl. Commissarissen in nader Conferentie getreden, en alle de opraesselde artikulen distinctelick geresumert, hebbende verbanden dat deselve in alle daelen waren accorderende met het gherontwaerde, alleen

allen dat bande Engelsche syde als noch bleef de selve difficulteyt, namentlich dat de pretentie bande geïnteresserden in de betwuste Schepen de Bona Ventura en Bona Esperance moesten blyben gearmiedt by de generale abolitie in t 15 Artikel geprojecteert, ende dat het selve in t Artikel behoude te worden geïnteriert, daer van sy in gansen deele versonden te wijcken, waer door wy ons gereduct niet sijnde tot een absolute necessiteyt, om, ofte die Dieren daer in te gemoete te gaen, ofte onbetrachte sake te secheyden, sijn wy nae nye deliberatie en Craminatie van hare Ho: Mog: resolutien banden 19 Juny, en derselver aenschuydens banden 21 dies, heffens die banden 5 Defes, met de Dieren Komisch Commissarissen, eynde dat in het 15 Art. by paentheyl achter de woorden, sibi competere reputant, soude werden gebooght dese clausul (hoc excepto quod scilicet, quise iacturam passos dicunt in duabus Navibus Bona Ventura & Bona Esperance poterunt litem inceptam prosequi.)

Wij besopen en besloopen dat hare Ho: Mog: ons dese resolutie niet qualich gheschieden al te nemen, also wy daer toe behoeft sijn geuonden, om dat wy hier komende te betrecken onbetrachte saeken onbetreftelich wel sinare ongelegenheden te gemoet saken, also van goederdinc verichte waren, dat de Hon: Overrees onse een sijn afgheschieden inden Raagh hadde ghesonden, om sich bereyt te maechen, om aenslonts op ons betreck van hier mede betrouwen te kommen.

Wij besopen dan dit Tractaet ongesloten blyvende, dese pretentien niet souden werden geannuleert, maer de geïnteresserden by blyben die te verholgen so sy gouden souden vinden.

Wij kinnen mede niet onthelen of het content van hare Ho: Mog: resolutie bande 21 July, is daer mede implicite volhaen, deuyple die woorden gien prejudicie sijn, maer dat de directe particulieren de mening van hare Ho: Mog: in t bandende aenschuydens herhaelt, en in allen gevallen blyft het hare Ho: Mog: by, die saeken al schijn door haer verholght wordende daerinne te doen en te laeten t gant sy sullen wijzelen recht en billich te sijn, sulcx dat hier door mede in dit particulier de conditie van de Saet der Nederlanden niet is verangert, hebben wy niet gemint te perceren tegens de intentie van hare Ho: Mog: met toe te staen, dat dese clausule in het Tractaet selve inschreide, en niet by een separaet Artikel weder te neder gestelt, also wy dat anderscheyt niet gemint hebben van sodanich gewichte te sijn, dat daer over enigh vorder dispute, en dienbolgende dilay bande conclusie deses Tractaets behoude te vallen, angesien sodanigh separaet Artikel alter neder gheschiet sijnde dat allen om secrete plegh te geschieden, dit onghemerk niet soude komen bereycht warden, also de geïnteresserden niet sullen nalaten haer pretentie te verholgen: weshalven wy ook menen in desen het vromende aenschuyden in substantie, en implicite te sijn volhaen, als mede dat in t laatste van t vromende Artikel, achter het woord submissio ghewoght is het woord progressio, also schijnt sich selven te wysen, dat een submissie een arbitres gedaen sijnde, de saeken die gesubmitteert sijn, moeten aldare worden verholght, deshalven dat niet discrepant verblyvende, hebben wy, nae dat op gisteren weder-

lijts pouboirs gessen sijn artikulen van het Tractaet, in boeghen als boven is verbaelt, in 't net uyt geschreven, met die handen Deren Commissarissen geconferert, en d'accont geworden sijnde, met d'onderlinge tekeninge en besegelinghe betrachticht, en alsoo de laeste hant aen dese so langduyrige negotiatie gheleyt. De Deren Commissarissen konden niet goet vinden datmen welijts beyde de Instrumenten teykende, maer dat het geen by haer aen ons wierde overgelenert, allen by haer wierdt bevesticht ex vice versa. Intende niette toe, dat hare Ho. Mo. pouboir aen ons verlaent, in het by ons ondertekent Instrument, hoe dat banden Koninck wiert geinlerert, allegerende dat alle Tractaten by desen Koninck met Sweeden, Dene-mercken, Portugael, op die manier waren getekent. Welc hebben niet gement hierinne enigh prejudicie voor hare Ho. Mo. te sijn ge-legen, en is derhalven, om dit werck niet te verachten, de teyche-ninge op de manier by hare Excell. geproponeert, gedaen, op dat hoez nieuwe incidenten het Tractaet niet mocht worden verachtet.

Welc hebben gacht van ons debitoir te sijn, het ougenwel Tractaet, met en van onse Edelieden aen hare Ho. Mo. te senden, die noch dese aen u Eb. overleeren sal; en sullen wy so haest doenlijck, selber jaer onder Godes genadigen Zageen, noch inde toekomende werck volgen, om haer Ho. Mo. rapport van alles te konnen doen.

Hiermede.

Mijn Heeren, &c. Chelcester den 15 Sep. 1652. gheteyckent van Hoorn M. van Gogh.

The Translation of the Dutch Embassadors Letter to the STATES, Chelcey 17 Sept. 1662.

SINCE our last of the 8. Instant, we have received their Ho. Mo. Reso-
lution of the 5. Instant, and upon Monday last we had another Con-
ference with His Majesties Commissioners, in which we did distinctly
examine all the *Articles* set down, and finding them in every degree
suitable to what was agreed, but onely in this one Case, touching the
pretences of those Interessed in the Ships the *Bona Adventure* and
Bona Esperanza, that they must not be comprehended in the General Abolition, as
was projected in the 15. *Article*, and that it ought to be inserted also in the
said *Article*, so that the Commissioners would not in the least go backward from that
Resentment; We thereupon found our selves necessitated to agree the said unto them,
or else to take our leaves without any effects; Whereupon we entred with His Maje-
sties Commissioners into deliberation and examination of their Ho. Mo. Resolution
of the 19. of June, and that sent to us of the 21. of the same Instant; as likewise
that of the 5. of September, 1662. and we agreed, that in the 15. *Article* after the
words, *sibi competitors putant*, there should be put into a Parenthesis this Clause,
(*hoc excepto, quod scilicet, qui se iacturam pro ducunt in duabus Navibus, viz.*
Bona Adventure & Bona Esperanza, potius istam exceptam prosequi;) We hope that
their Ho. Mo. will not take this resolution ill of us, for that we have been increa-
sed thereunto, and that we saw in case we should go away without a conclusion, that
great troubles would happen; and that we had it from a very sure hand, that His Ma-
jesty had already given Orders to His Envoy, residing at the *Hague*, to make himself
ready, that when we should come homewards, that also without any delay he should
hasten

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hasten himself over; and again, the *Treaty* not being concluded, those pretences would not be disannul'd, and that by that means those interest'd would have the freedom to proceed therein, as they would think fit.

We cannot judge whether that contained in their *Ho: Mo: Resolution* of the 21 of *July*, is thereby intimated implicitly, the words being no prejudice, but very much agreeing to their *Ho: Mo: meaning*, sent us in Writing since that Instant. And although the said matter is pursued by their *Ho: Mo: Yet they have the same means to do or leave what they shall judge fit or just to be done*; So that in this particular the Condition of the *United Provinces* is not in the least prejudic'd: we hope also not to have transgressed against the intention of their *Ho: Mo: in agreeing* that the said Clause might also be included in the *Treaty*, and not to be set down in a *Separate Article*, for that we did not judge that difference to be of so great importance, that any further dispute or delay ought to be occasioned thereby in the concluding of the *Treaty*; and that although such a *Separate Article* should be set down, as it useth only to be done for Secretness sake, yet that this could not mis taking notice of, and that the Interest'd should not refrain pursuing their pretences; so that we judge we have fulfilled the said *Resolution* implicitly, as also in setting down after the word *Submissio*, the word *Pro-gressio*, for that it shows it self that a business submitted must be there pursued. And that nothing remain disputable, after that each others powers were read, we did examine the *Articles* consented unto, according to what mentioned before, and were written in a fair hand, and confer'd thereupon, and so agreed and made the said of force by Signing and Sealing, so that we have put our last hands to this long and tedious Negotiation; the Commissioners could not approve of having both Instruments signed, but only that that delivered by them to us, should be only confirmed *vice versa*, suffering also that their *Ho: Mo: Power* given to us in that of Our Signed Instrument, be insert'd before that of His Majesty, alledging that the *Treaties* made by this King with the *Sweeds*, *Denmark*, and *Portugall*, were all signed in the same manner. We hope that not any prejudice can be occasioned thereby to their *Ho: Mo: since* not to occasion hinderance, the signing was done in this manner: according to what further was proposed by their Excellencies, so that no new matters might have happened.

We have thought fit to send the Original of the *Treaty* by one of our Gentlemen, and for our parts, we shall so soon as possibly (with Gods blessing) hasten our selves homewards, which we hope will be the next Week, and then to give their *Ho: Mo: report* of all.

van Hoorn M. van Gogh.

A MEMORIAL of Sir George Downing Knight,
Envoy Extraordinary of His most Sacred Majesty
of Great Britain, &c.

Delivered unto the States General Octob. 3. 1662. N. S.

THE undersigned Envoy Extraordinary of His most Sacred Majesty of Great Britain, &c. makes known to their Lordships the Estates General of the United Provinces, that it hath pleased the King his Master to give him leave to return for England for a short time, but which hath commanded him by the hands of His great Chancelor, before his going hence to demand in His Name, that satisfaction be forthwith made to the persons concerned in the Affairs (Bona Esperanza and Bona Adventure) and not to sit hence without such satisfaction first made, or the final Answer had of their Lordships concerning

concerning this matter; according to which His Majesty will govern Himself; and His Majesty both assure Himself that their Lordships having had so fresh and pregnant testimony of His most particular kindness toward this State, in the happy conclusion of the late Treaty; and this being the only business referred to be ended immediately between His Majesty and their Lordships, in the manner it is now depending; that they will not suffer any new engourge to be raised by any hot debates or lingring out of time, the former whereof His Majesty hopes they will avoid, and the latter He is resolved no ways to admit; but that they will be pleased in the quick and equitable ending thereof, to manifest the esteem they have of His Majesty and his kindness, and their desires of having the Nations grow up into a mutual and happy confidence upon the foot of the aforesaid Treaty.

Given at the Hague this 3. of Octob. 1662. N. S.

George Downing.

Sir George Downing's aforesaid Memorial rendred in French.

LE soussigné Envoyé Extraordinaire de sa Majesté très sacrée de la Grand Bretagne, &c. fait sçavoir à leurs Seigneuries les Estats Generaux des Provinces Unies, qu'il a pleu au Roy son Maître de luy donner congé de faire un petit tour en Angleterre pour un peu de temps; mais aussi de le commander par les mains de son grand Chancelier de demander avant son départ, que satisfaction soit incontinent faite aux personnes intéressées dans les Navires *Bonne Esperance* & *Bonne Adventure*, & de ne point bouger d'icy sans avoir reçu satisfaction, ou réponse definitive de leurs Seigneuries touchant cette affaire; selon quoy le Roy son Maître se reglera; & sa Majesté se persuade que leurs Seigneuries ayant reçu ce témoignage si frefche & forte de son amitié très-particulière envers cet Estat, par l'heureuse conclusion du dernier Traicté; & celle cy estant l'unique affaire réservée d'estre vuïdée entre sa Majesté & leurs Seigneuries en la maniere dans laquelle elle depende maintenant, qu'Elles ne voudront point qu'aucun nouvelle aigreur soit suscitée par des grands debats ou long retardement: la premiere chose desquelles sa Majesté espere qu'Elles eviteront; & pour la dernière Elle est résolue de ne la point admettre: mais qu'il plaira à leurs Seigneuries de faire voir par la prompte & equitable conclusion d'icelle, l'estime qu'Elles portent à sa Majesté, & leur inclinations d'avoir les deux Nations augmentées en mutuelle bonne intelligence & correspondance sur le pied du dit Traicté.

Fait à la Haye la 3. Octob. 1662.

George Downing.

Within three or four days after this last Memorial was given in to the States Deputies, there was a Conference desired by the said Deputies, or some of them; whereupon Sir George Downing met with the Pensionaris de Witt to hear both parties; and Mr. Vandam (Advocate for the East-India Company) offered several objections against the right and pretence of the English, and chiefly insisted at that time upon *poterunt litem inceptam prosequi*, and urged it to be understood the Suit begun by Jonas Abeels at Amsterdam; but after some debate it was then agreed and reconciled between

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Sir George Downing and the said Pensionaris, so le the Cause depending upon the Kings recommendation before the States General at the Hague; Sir George at that time further offering Letters from both the Principal Secretaries to His Majesty, that the States Embassadors insisted upon that point many days before the Treaty was concluded, but it would not be condescended unto. Mr. Owens (the King's Advocate Commissioned in Foreign Affairs) answered most of the Objections, and Mr. Carew (being then present) desired that both parties might come with their Counsel fully instructed at another time, to speak to the points only in controversy; whereupon another Conference was appointed at Sir George Downing's House in the Hague.

In the mean time the Advocates of the Company had several Consultations, and Mr. Carew with his Advocates the like: And at the said Conference the East-India Company objected against the Interessed these things following, viz.

1. *That res mobilis could not be granted without the possession delivered.*
2. *That by the Tripartite Indenture of Assignment or Transport from William Courten and Sir Edward Littleton to Sir Paul Pindar, of the 19. Decemb. 1642. there was onely a Security granted for Money lent, and not the real Interest transferred in Ships or Goods to Sir Paul Pindar.*
3. *That in case of Shiptozack or other miscarriage, Sir Paul Pindar was not to suffer Damage, but to sue the Dolices of Assurances; therefore he can have no pretence to the Ships or their Lading.*
4. *That Sir Paul Pindar could not claim his proportionable payments until some moneths after the Return of the Ships to London, and therefore also he can have no pretence to the Damages.*
5. *As to the Deed of Indenture of Bargain and Sale from William Courten to Sir Edward Littleton, dated the 26 of April, 1642. it was onely a Counter-security against Engagements, and that he had not paid any money for Mr. Courten at the time of Pergens his Transports; and therefore Mr. Courten was not divested of his property in the Ships or their Lading.*
6. *That admitting Sir Edward Littleton's right, or any other Proprietor, they were excluded from any new allegation or pretence, having not entered their Claim in 1654. before the English and Dutch Commissioners, according to the 30. Article of Cromwell's Treaty.*
7. *That as to the Commission grounded upon the Statutes made concerning Bankrupts, neither the Statutes or Common Laws of England could be effectual or take place in the Low Countreys, where all things are Tried by the Civil Law, or Law of Nations.*
8. *That admitting Mr. Courten were insolvent when he made the Transports to Pergens, the Company could not take any such notice as to dam him incapable of transferring his right to any thing he had in the United Provinces.*

*Wherefore they concluded upon the whole matter that Mr. Pergens his Agreement was a good Agreement, and not to be avoyded; more especially for that Jonas Aels after his Insinuations and Arrests made, was contented to accept of the Eighty five thousand Gilders, having onely *ius ad rem* and not *ius in re*; and for that the Company could not have any recourse to Mr. Pergens for that Money until the right was first determined in Law, Mr. Pergens having also had the same recommendation by the Kings Letters; they therefore desired to be excused from giving any further satisfaction therein.*

The Answers following were given at the same Conference held at Sir George Downings House in the Hague.

Under submission it's conceived that the Interested are before the King of Great Britain's Minifter of State, and the Deputies of the States General, in an amicable way of Conferences, whereby the matters in debate are to be considered politically: as to the Objections raised against their right, they are most of them out of the Case, and the rest have been sufficiently answered by Sir George Downing in his Replies to the States Answers upon his Memorials: The Interested did not doubt in the least, but that the East-India Company had been abundantly satisfied with the 15 Article of the Treaty, wherein all Actions, Injuries, and Pretensions of the English are abolished and extinguished (*hoc excepto, quod foliis qui se jacturam passos dicunt in duobus navibus, videlicet Bona Esperanza, & Bona Adventura poterunt litem inceptam prosecui.*)

Upon the Petition (of the Interested) to the King, setting forth the Case and their Damages, His Majesty was pleased to recommend the same to the States General, requiring speedy satisfaction and reparation, according to the Laws of common Amity and Alliance held between the King and the States. And indeed, when His Majesty considered the true state of the business, in its own nature and circumstances, it could not in honour be otherwise concluded; yet I shall speak something to the objections in point of Law.

Bracton says that an Action nihil aliud est quam jus prosequendi in Judicio; Justinian says the same, and makes the distinction of two sorts, *actiones reales & actiones personales*; Bracton makes a threefold distinction of Actions; Real, personal, and mix'd, *actio realis* in the largest sense is to be understood for any thing wherein a man hath a property, and may require it in his own name, and not in another mans; *actio personalis*, is that which belongs to a man by force of any Contract or Offence, &c. for which he may require satisfaction by Law from the person offending; *actio mixta*, is that where a man hath not only remedy for the thing, but for damages against the person, unjustly taking or detaining the same: there is *jus querendi*, and *jus petendi*, there are *actiones Criminales*, and *actiones Civiles*; the former do properly appertain to the King, *propter pacem Regis & communem utilitatem*, and when Robberies, Murthers, and Piracies are committed upon the Kings Subjects, against Treaties of Amity, Confederacies, and Alliances, and upon such Ships as carried the Kings own Colours, His Commission for Trade, and Signature in all matters of Commerce, these are accounted Acts of Hostility and open defiance, and not to be reconciled but in a way of State, Grotius in his Treatise *De jure belli ac pacis*, makes this Distinction, and says, *Bellum non dicitur actio sed status, praelium autem dicitur conflictus ipse bellorum.*

As to the Objection concerning Cromwell's Treaties, it needs no other Answer but this, That as the King is not obliged to any thing in them, so he hath not admitted any thing of them to bar our extraordinary remedy against the Company, for the violent injuries and damages sustained; and it would be a forced interpretation, nay, a great piece of Nonlence, put upon the King and His Commissioners, to imagine in the least that by the words *poterunt litem inceptam prosecui* (should be construed) that the Interested might be able to prosecute the Suit begun at Amsterdam, which was lawful in the ordinary way notwithstanding the Treaty, if any such Suit had been there begun by them; but *qui passos dicunt*, begun no Suit at Amsterdam, their *lis incepta* was at Whitehall upon their Petition to His Majesty, and prosecuted at the Hague by His Majesties Command, and several Orders from His Majesties most Honourable Privy Council. On the contrary, in the time of the Treaty, it was urged by the States Embassadors, that the States had sent instructions for a Clause to be inserted, that the Interested should be at liberty to prosecute their right before the Elchevins at Amsterdam, and intreated the Kings Commissioners, that it might be so inserted into the 15 Article of the Treaty, which was utterly refused by the King, and in conclusion agreed upon

upon, that the interested should not be left to the ordinary course of Justice in *Holland*, but proceed in the way they had begun, upon their Petition, and his Majesties recommendation to the States General at the *Hague*. Whereupon the words *Poterunt litem inceptam proseguere*, were inserted and thought sufficient to imply the sense of the agreement and conclusion, as appears by the Embassadors Letter sent from *Chelsey* with the Treaty Sept. 1, 1662. I only mention these by the way, since Mr. *Vandam* was pleased to make those exceptions to the words in the Treaty, and the Pensionaris made the other exception as to *Cromwell's Treaty* of 1654.

After Mr. *Courten* had once divested himself of his Property in the Ships, his Stock in *India*, and the product of it (as nothing is more usual amongst Merchants, then to sell their Shipping at Sea, Adventures abroad, and Actions in joint stocks of Companies) all posterior Acts to *Pergens* were void, and both the Company and *Pergens* in this Case, were left without any manner of excuse, for that the Transports to Sir *Edward Littleton* and Sir *Paul Pinder* were insinuated to them long before the pretended agreement.

The Case that Pensionaris *de Wit* put concerning *res Mobilis* (does not quadrate with ours) where he says that *Abraham* the Shoemaker sold a pair of Shooes to *Adrian van Haffe* for a *pattacone* who left them in the Shoemakers custody until he called again; in the mean time *Abraham's* Servant or himself, sold the Shooes to *Jacob* the Jew for a *Duccatone*, who took them away and had the property by Manuduction or Delivery: That *Adrian* had only his remedy against *Abraham* for the price, and not against *Jacob* for the Shooes: It's granted, that Shops, and Fairs, are Markets overt, and although goods were stolen and sold there, even then the property is changed; yet in those Cases if it be found there was any Combination between the parties, there is relief to be had against them; It's frequent in *England*, that both Buyers and Sellers of stolen goods, where they were sold at an undervalue, have suffered as Accessories when the Principals have made their escape: pardon the meanness of the expression, I could not find any thing that comes nearer to our point. The like is if a man voucheth a Horse in *Smithfield*. The Company knew that Mr. *Courten* was not qualified to deal with *Pergens*, and consequently that Mr. *Pergens* was not qualified to deal with the Company, so the Compact between them was a meer Collusion. As to Sir *Edward Littleton*, his Damages and Payments for Mr. *Courten*, the several Records in His Majesties Courts will sufficiently declare to the World what they are; but to give the States General and the *East-India* Company further satisfaction therein, they shall receive Copies of the said Records, and also the opinions of the most learned Common Lawyers of *England*, and Professors of the Civil Law there; that all Contracts, Obligations, and Transports made in *England*, are to be adjudged according to the Laws thereof.

Mens sana in Corpore sano.

To

To all Military Men, Merchants, and others of the *English Nation*, inhabiting within the *Seven United Provinces*.

COUNTRYMEN,



I was given for a general rule by William of Nassau, who was both an Eminent Soldier and Statesman, That the *Netherlanders* should keep a fair Correspondence with *France*, do justice to all Strangers, and (in all Revolutions of time) keep a firm and inviolable Peace with *England*; and that when they failed in either of those Principles their foundation would be shaken, and their Government in danger of Subversion. To publish their Forgetfulness or Ingratitude to those that have spent their Youth and Fortunes to render them considerable in the World, is not to my purpose; or to tell them when they were made a Free State at Munster, created both High and Mighty by the conduct of a Prince to their Generall, they thought it time then to make Reformadoes of their Officers, put them to Pensions and maintain their Low Countries without a Commander in chief, is not my designe: No, my business to those High and Mighty Lords, is for justice against the East-India Company of the Netherlands, in a politick way of Proceeding; The dispute concerns Spoyle and Robberies done upon the English in times of Peace, (and that for some Reasons the Company reserve to themselves:) And the King for either Reasons hath been pleased to require just reparation in this way of State, and to set a greater value upon the Lives and Fortunes of His Subjects, then the *Hollanders* are willing to admit.

This is the Substance of the Ensuing Narrative, which when you have weighed from what hath been set forth in the foregoing part of this Treatise, and shall consider all which follows, I question not but you may as much wonder at the strange confidence of some persons in *Holland*, as at the patient forbearance of others interessed in *England*. Pardon my Freedom, I find liberty in the Low Countries, consists only in speaking their minds and parting with their money; Yet I will not injure my Cause with Satyrical Expressions, nor blame the *Seven United Provinces* for

a few unworthy Hollanders; although I must make a little digression and tell them that Cowards cannot be honest, and covetous men dare not dye: It is an observation in nature, that those Creatures which live upon Herbs and Roots, are more fearful then those which eat flesh; and that where the Elements are bad, the habit of the mind follows the temperature of the body: But I descant not. The East-India Company of the Netherlands, or some of their Agents in Amsterdam, published the States Answers with several documents, & intituled the Pamphlet, A Refutation of the Kings Letters and Memorials of Sr. George Downing. The West-India Company took the same liberty, and published another Pamphlet as rude in the manner, as false in the matter, and reported that the English had spoiled their Trade upon the Coast of Guiny, and that the Royal Company had dammified them 80000 l. per annum, by invading their Rights and Priviledges. It's frequent amongst Hollanders, upon any pretence of Damages, to demand both Life and Goods, and take a Dollar: But it's dishonourable for an Englishman to demand any thing he cannot justifie, or take any thing without a good reason for it. It's possible I may meet with some Englishmen in the United Provinces, that can forget their King and Country, and others of our Countrymen that study more the advantage of the Hollanders then the benefit of themselves and the English Interest; That man must be of a strange Constitution, & most depraved in his Judgement, that had rather pay a Gilder to the States, then a Stiver to his Sovereign Prince. I shall not hold you any longer in Discourse, but come to the business in hand; I desire to be tryed by a Jury of Englishmen, that goes according to the Evidences before them without favour or affection, though the States have in behalf of the Company used all manner of shifts and evasions: Yet if I be found guilty of impudence or impertinency, I will underge their Censure and suffer any punishment; On the contrary, I shall beg that favour of you, if the Cause goes with me, that you will undeceive the Boors & Fishermen in the Low Countries, and tell them I have endevoured to preserve a good Intelligence between the King Our Sovereign and the States General, upon the Foundations of Justice and Honour.

I am your Friend and Countryman

GEORGE CAREVV.

*Extract from the Register of Resolutions of the Ho:
Mo: Lords, the States General of the United
Provinces.*

May 10. 1662.



Report was made again by the *Sieur Braechels* & others of their *Ho: Mo:* deputed, touching the Proceedings in *England*, and having also, according to their *Ho: Mo:* Resolution of the 1. Instant, examined certain Letters and Papers written and sent over by the Embassadors of this State, at present in *England*; which said Writings were dated at *Chelsey* on the 28. of *April* last; and addressed to the *Greffier Ruyssch*; Likewise caused to be read the same time, a certain Memorial, the which was from word to word as followeth;

1. The Commissioners shall only be for matters past, and not for any thing as shall happen after the date of the Treaty made.
2. That their Commission concerning what passed as aforesaid, shall not comprehend any general terms, but shall be expressly limited to a List which shall be made, and that they shall not be to take cognizance of any other matters whatsoever.
3. And for the agreeing to the like List, they shall form one of each side, and exchange the said to be considered on reciprocally, and in case any specification be found in the said, of matters known at London before the 10 of January 1659. in regard of the pretences of the English, according to the Treaty of the 6 of February 1659. and at the same time known at the Hague, in regard of the pretences of those of the United Provinces, or of any other Action by which the nature of the case will shew it not fitting to be decided in the like manner, that then the said may be first taken out of the said List.
4. This List being approved of by the one and the other, four months time shall be limited, in which they shall endeavour (His Majesties Minister at the Hague on the one side, and their *Ho: Mo:* Deputed on the other) by friendly Conferences to decide all matters comprehended in the said List, being such as are happened in Europe; and for such as are happened out of Europe, eight months shall be limited, and the pretendents, or such authorized by them, shall be obliged to appear at the Hague the first day of the 4 months and 8 months aforesaid.
5. And in case the 4 and 8 months may be expired, in which the pretendents, or such authorized by them, had continued at the Hague, endeavouring to decide such their pretences happened in Europe, and yet not come to any agreement, that then the said pretendents shall be brought before Commissioners, and to be decided by them, as likewise after the expiration of 8 months in regard of matters happened out of Europe, and that after expiration of the 4 months and 8 months, there might remain any pretences as yet in difference happened in Europe, the said Commissioners shall assemble in

in the City of London, and their number shall be four of each side, and be fully and wholly authorized even to what it was in the Year 1654.

Whereupon being deliberated, it is approved that the said Memorial be sent to the Embassadors of this State at present at London, to serve them for Instruction, and to use their endeavours that the said Treaty may be concluded conformable thereto; and withal to make His Majesty the King of Great Britain sensible, and his Ministers likewise, that their Ho: Mo: judge that His said Majesty would assuredly bring himself into great inconveniencies, in case that the *Terminus a quo* should be as from the year 1654. as for matters out of the *East-Indies*, for that thereby His Majesty would be engaged to make reparation for such Violences and Injuries done by His Usurpers Commissions and Authority, between the years 1654. and 1659. and again others also which had unjust prerences in the said years, would by no means be debarr'd by the like Treaty, for entering their Actions before the Judges, but have free Liberty of Prosecution and demanding reparation; and for what happened in the late conference touching that in the Fourth Article, concerning the words *ubi persona contravenientes fuerint, & contra quam peccatum est*, there shall be written to the Embassadors, that their Ho: Mo: cannot imagine wherefore that sustained by the *English* in that Subject should be different to the intention of their Ho: Mo: for that they cannot believe that the said sustained by them, can be of that substance to what specified in the Fourth Article touching the Confiscations, and that they must be for the benefit of their State; And in case any such like Goods were confiscable by the said Article, and that they are not taken by the Officers of their State at Sea, or otherwise, and brought by them to their State, that then the Tryal and Sentence must be at the place of their habitations. On the other side their Ho: Mo: do not pretend the gains of Confiscation, that in case that any of their Subjects might be taken, having in them Arms, Moneys, or Victuals, &c. which they are intending to convey to the Rebels of His Majesty the King of England, and that such being taken in the fact and brought into England, that it is fit they receive sentence there, by which their Ho: Mo: judge to have satisfied that propounded by the *English*; and therefore the said Embassadors shall keep themselves within those bounds, without enlarging themselves any further, and to continue firm to the Intention of their Ho: Mo: Whereupon the said Resolution shall be presented to the hands of Sir George Downing Envoy Extraordinary by the Agent de *Hayde*, and to intreat him to use his good Offices to His Majesty and His Ministers, so that this Treaty may be concluded accordingly without any longer delay.

*The States Letter to the King concerning the Ships
stopt upon the accompt of the Knights of Malta.
June 15. 1662.*

SIRE.



*A continuation des desordres qui ont commencé sous les Usurpateurs de
Vostre Couronne, laquelle n'estoit presque point au pouvoir des hommes
d'empescher a l'entrée de vostre reestablisement sur le Throne de Vos
Aucestres, nous a obligé a porter souvent nos justes plaintes jusques
a Vostre Majesté, mais nous nous verrions necessitez de nous plaindre
comme nous faisons presentement, d'une procedure si extraordinaire,
que jusqu'ici l'on n'en a point de veu d'exemple, non seulement en
des Estats qui sont profession de vivre en bonne Intelligence ensemble, mais mesme en
eux,*

ceux, qui ne se connoissent que par des Offices indifferens de civilité & d'Humanité. Les Ambassadeurs de cet Estat qui se trouvent auprès de la personne de Vostre Majesté nous donnent avis par leurs dernières lettres, que les Juges de l'Admirauté de Londres ont permis à l'Agent du Cardinal de Hesse de saisir au nom du Grand Maître de Malthe, tous les Navires Marchands appartenans aux Habitans de ces Provinces, & qu'en suite de cette permission il a effectivement fait saisir & arrester huit Vaisseaux qui y chargeoient des Marchandises, & ce pour le desdommagement des pertes que ceux de l'Ordre prétendent avoir soufferts, & de souffrir encore faite de jour des Commanderies situées dans l'Estendue des Provinces Unies, & qui ont cy devant appartenu à l'Ordre. Cette affaire SIRE, a été souvent mise en deliberation en nostre Assemblée, Nous avons aussi nommé des Deputez de nostre corps, pour en examiner le merite, & nous allions prendre sur leur rapport une resolution qui eust fait connoître à toute l'Europe l'amour que nous avons pour la Justice, quand nous avons sceu les procédures irreguliers, violentes & ennuyes de cet Estat, & de l'Admirauté de Londres, nous avons esté surpris de ce que l'un travailloit à perdre par sa Precipitation ce que ses Maîtres croyent pouvoir pretendre; mais nous avons esté Extremement estonnez de voir l'Admirauté de Londres qui doit estre composée de personnes graves, prudentes & esclaires, agist de la sorte, en violant le droit des gens, & en attentant à la Souveraineté de leur Roy, à sa veüe, & en sa presence, & en une rencontre que Votre Majesté mesme ne l'aurois pas voulu, ny peu exercer, sans choquer le droit des gens. L'Empereur & les Roys de France & de Espagne qui comme Princes, reconnoissent l'Eglise Romane, peuvent avoir des considerations particulieres, pour des biens de cette Nature, nous ont recommandé cet affaire avec chaleur & empressement, mais pas un d'eux ne s'est advisé de Menacer cet Estat des represailles, bien loin de souffrir, qu'une Justice subalterne ait permis de faire saisir effectivement ces Vaisseaux, biens, & Marchandises de ceux qui ne doivent rien à l'ordre, & sur lesquels le saisissant n'a aucun droit ni pretension; ils savent que ces provisions ne different des represailles que de nom, & qu'il ny a qui les Souverains, qui les donnent à leurs Sujets, à l'exclusion des estrangers, & en ce cas d'un Manifeste deny de Justice seulement, la on au contraire l'Admirauté usurpe un droit, qui est reserve à Votre Majesté seule, en faveur de ceux qui n'ont presque aucun commerce avec vos Sujets, & qui ne scauroient dire que nous ayons fait le moindre refus de leur rendre Justice: aussi sommes nous entierement persuadez, que d'autant que quelques uns de vos principaux Ministres ont protesté, qu'ils n'ont aucune connoissance de la demande de l'Agent du Cardinal de Hesse, & de la provision accordée par l'Admirauté de Londres, Votre Majesté ne desavouera pas seulement leur procedé, mais se ressentira aussi de l'attentat commis contre son autorité, & de l'Injustice faite à ceux, qui ont fait tout ce qu'ils ont pu, pour meriter l'Honneur de Votre affection, & qui en ont en des assurances tres expressees de Votre bonte Royale, de sorte que nous nous dispenserions volontiers de vous donner cette Importunité dans la croyance que nous avons que vous la previez, par la main levée des Vaisseaux saisis, mais nous trouvons cette enterprise de costé & d'autre si Importante, & d'une consequence si fascheuse, que nous avons bien voulu ordonner tres expressement à nos Ambassadeurs de la presenter à Votre Majesté en des termes si efficaces, qu'ils puissent obtenir la reparation du tort & de la violence, qui nous a esté faite, & empêcher que nous Sujets, qui font leur commerce dans Vos trois Royaumes, en vertu de bonne Intelligence, qui a toujours esté entre Votre Majesté & cette Republique, ne soient plus inquietez de cette maniere à l'avenir; d'autant moins, dont nous nous plaignons, n'ont merité ny Votre Amitié ny vostre protection, Et ainsi nous remettans à ce que nous Ambassadeurs vous diront tant sur ce subject, que sur les autres affaires, qu'ils ont à Negotier avec Votre Majesté, nous prions Dieu.

SIRE, &c.

The Translation of the aforefaid Letter out of the French Original. June 15. 1662.

SIR,

THE Continuance of those Disorders that commenced under the Usurpers of Your Crown, which it was not in the power of men to hinder, at the Entrance of Your Establishment on the Throne of Your Ancestors, hath often obliged us to make our Complaints to Your Majesty; but we now see our selves necessitated to complain (as we do at present) of a proceeding so extraordinary, that to this time there have been thereof no Examples, not only in those Estates which make profession of living together in good Correspondence, but even in those, who understand one another but by the indifferent offices of Civility and Humanity. The Embassadors of this State who are with Your Majesties Person, give us advise by their last Letters, that the Judges of the Admiralty of *London* have permitted to the Agent of the Cardinal of *Hassia*, to seize in the Name of the *Grand Master of Malitia*, all those Merchant Ships as do belong to the Inhabitants of these *Provinces*, and that in pursuance of this permission he hath effectively caused to be seized and arrested eight Vessells which were there laden with Merchandizes, and this for satisfaction of those Losses which those of the Order pretend to have suffered, and yet to suffer, by reason of not enjoying those Commanderies situate within the Extent of these United *Provinces*, and which have heretofore appertained to the Order. This Affair *SIR*, hath been often deliberated in our Assembly, we have also nominated Deputies of our Body to examine the Merits, and upon their report we were about to take a Resolution which should make all *Europe* to understand the Love which we have of Justice; but when we understood those irregular, violent, and injurious proceedings of that State, and of the Admiralty of *London*, we were surprized in this, that any one should labour to lose by precipitancy that which his Masters believe they can pretend to, and we were extremely astonished to see the Admiralty of *London*, which ought to be composed of grave, prudent, and eminent persons, managed as it were, to the Violation of the Rights of Nations, and to attempts upon the Sovereignty of their King, in His Sight and in His Presence, and in an Occurrence, which your Majesty neither would nor could act in, without entrenching on the right of Nations. The Emperour and the Kings of *France* and *Spain*, who as Princes acknowledging the Roman Church, might have particular Considerations for the Goods of this nature, have recommended to us this Affair with pressing ardency, but not one of them hath been advised to threaten this Estate with *Reprizals*, so far from suffering, that a subordinate Jurisdiction, should permit an effectual Seizure of the Vessels, Goods and merchandizes of those who owe nothing to the Order, and against which the person seizing hath neither right nor pretension; they know that these Provisions differ from *Reprizals* but in name, and that none but Sovereigns can grant them to their Subjects, to the exclusion of Strangers and that onely in case of a manifest denial of Justice; on the contrary the Admiralty Usurps a Right which is reserved solely to your Majesty, in favour of those, who have scarce any Commerce at all with your Subjects, and who know not how to say, that we have made the least refusal to doe them Justice. So that we are wholly perswaded, (inasmuch as some of your principal Ministers have protested, that they had no knowledge of the demand of the Agent of the Cardinal of *Hassia*, and of that provision agreed by the Admiralty of *London*) that Your Majesty will not onely disavow their proceedings, but will resent also this attempt committed against Your Authority, and the Injustice done to those, who have done all they can to merit the Honour of Your Affection, and who have most expresse assurances thereof from Your Majesties own Royal mouth; so that we could willingly dispence with giving
You

You the trouble of this Importunity, from the beleif we have of Your Majesties preventing thereof by taking the Seizure off these Vessels, but we find this entreprise, both of the one and the other side so important and of so troublesome a consequence, that we have been willing most expressly to order our Ambassadors to present and lay it before Your Majesty in such efficacious words, as may obtain reparation of the injury and violence which hath been done us, and to hinder any further molestation in this manner hereafter to be done to our Subjects, who upon account of the good understanding which is between Your Majesty and this Republique, do Traffique within your three Kingdoms; and this the rather, because those of whom we do complain, have not deserved Your Friendship nor Protection. And so we remit You to what Our Ambassadors shall say to You aswell upon this Subject as upon other affairs which they have to negotiate with Your Majesty. We shall pray to God

SIR, &c.

The States Letter to the King concerning the Ship CHARLES. June 27. 1662.

SIRE,



Ous avons différé de répondre à la lettre que Vostre Majesté nous a fait l'honneur de nous écrire le 12. Septembre de l'année passée parce que nous ne le pouvions pas faire pertinemment; que nous ne nous fassions pleinement Informés de l'Estas de l'affaire qui luy sert de sujet: Le Capitaine Enno Doedesson Star, dont elle se plaint servoit en ce temps là, comme il fait encore presentement, dans la flotte commandée par le Vice Admiral de Ruyter, en la mer Méditerranée, & il estoit nécessaire d'estre esclaircy par luy mesme, de toutes les particularitez de ce qui pourroit estre passé entre luy & le Capitaine Eduart Spragh, pour en pouvoir bien juger, & pour faire voir plus clairement à Vostre Majesté la sincerité de nos Intentions; nous ne savons si le Capitaine Spragh a eu connoissance de l'esloignement de Enno Doedesson & s'il a voulu se servir de son absence pour donner à Vostre Majesté des Impressions contraire à une verité, dont il doit estre convaincu en sa conscience; il scait & nous en avons mis les preuves entre les mains du Sr. Downing, Vostre Envoye Extraordinaire auprès de nous, de quelle façon il a escume la mer, particulièrement en l'an 1659. en piratant sur toutes sortes de Nations Indifferemment à l'exemple de plusieurs autres pirates Biscains; les excès commis par ces pirates en viron ce mesme temps, ou quelques années auparavant, & les incommoditez que le Commerce des habitans de ces Provinces en recevoient, nous avoient obligé en l'an 1658. à ordonner, par une Resolution generale, à tous nos Capitaines & autres Officiers de Marine, de Traiter tous ces armateurs Biscains, sans aucune distinction, en Pirates, de les attaquer quelques parts qu'ils les rencontreroient en mer, & de les amener. C'est en vertu de cet Ordre que le Capitaine Spragh a esté pris, mais spécialement pour avoir esté reconnu par trois Matelots, qui se trouvoient dans le bord dudit Enno Doedesson, pour avoir piraté, & pour avoir pris avec le mesme Navire Charles, alors nom Sr. Carlos, entre autres un navire nommé le Maître appartenant avec la plus grande partie de sa charge qui consistoit en vins de Canarie, & autres Marchandises à des habitans d'Amsterdam & de Middelburg en Zeelande, Ce Vaisseau, SIRE, fut pris par ledit Capitaine Spragh, & emmené au Havre de St. Sebastien en Biscaye, au mois de Mars 1659. les propriétaires & Fretteurs en Navire en ayant eu advis, en demanderent la restitution & trouverent assez de Justice à la Cour de Madrid pour l'obtenir avec les despens dommages & Interest, par un decret authentique du Roy d'Espagne, mais ledit Capitaine Spragh, & ses Interressez au lieu d'y deserer, eurent l'assurance d'arrestor encore la Navire, & d'extorquer par ce moyen au bout de cinq mois du patron & de ceux qui poursuivoyent le proces pour les Interressez, une somme de sept mille doubles reaulx d'argent, & la moitié du provenu de trente bot-

tes de Vin de Canarie, quoy que des deux cens cinquante bottes, dont ledit Navire estoit chargé, il ny en eut que soixante & onze qui furent restitués avec le Vaisseau, De sorte que quand mesme ledit Capitaine Spragg n'eust pas esté du nombre de ces armateurs, ou plustost pirates Biscains, contre lesquels nous avons pris cette resolution generale, & quoy le Capitaine Enno Doedesson n'eust pas esté obligé de l'exécuter a son esgard en cette qualité, il devoit neantmoins le prendre, & l'amener, a cause de la Violence faicte audit Navire le Maure, qui avoit esté déclaré, par decret du Roy d'Espagne, appartenir, & qui appartenoit en effect a les habitans de ces Provinces, a moins de manquer au serment qu'il a l'Etat: Ainsi bien loin de blasmer son procedé, nous ne craignons point de dire a Vostre Majesté que nous sommes Marris, de ce que l'accident qui arriva au Navire Charles, sçavoir qu'un des Matelots, prins dans le mesme Navire, en enstant un tampon, qui bouchoit un trou, exposa le Navire a un si evident peril de perir, que le Capitaine Wildtichor, a qui Enno Doedesson en avoit donné la conduicte pour l'amener en deça, fut contraint de l'abandonner, le fit evader, & le soustraya aux penies qu'un juste Sentence eust peu prononcer contre ses crimes: Nous avons si bien représenté, & prouve cette verité a Vostre Envoyé Extraordinaire lequel nous avons prie de la faire cognoistre, a Vostre Majesté, que nous ne le voulons point transporter icy par une plus ample Deduction de cette affaire, seulement nous trouvons nous obliger de dire, comme nostre dessein a tousjours esté de nous adresser au Roy d'Espagne & a ses Sujets pour la reparation des Violences, pertes & dommages faictes aux habitans de ces Provinces, & par eux soufferts, parce que les armateurs Biscains sortoient des ports d'Espagne; ainsi croyons nous avoir droit de nous adresser a Vostre Majesté presentement que le Capitaine Spragg est a vostre service & qu'il employe vostre nom & la poursuite de ses injustes pretensions, de vous demander justice contre luy, & qu'il soit contraint par toutes voyes Justes & raisonnables de restituer non seulement les dits sept mille doubles reaux & la valeur de vins & autres Marchandises qu'il a pris & alienez, mais aussi les autres choses qu'il a trouvées & prises dans le Coffre du patron du Navire Maure, dont Vostre Envoyé Extraordinaire faict le detail & la valeur, Nous avons grand sujet de l'Espérer de Vostre equité, & particulièrement que Vous ne suffrirez point qu'à l'avenir l'on se serve du nom & de l'autorité de Vostre Majesté pour des affaires si mal fondées, & bien malis encore, pour taxer si legerement nostre Procedé, & blasmer nostre conduicte, jusqu'à employer des termes, dont l'on ne se sert que contre ceux, qui desnient ou versement la Justice, mais qu'elle aura pour ses bons amis & voisins autant de consideration qu'elle a de bonté pour ses Sujets, dont l'on ne condamne point la conduicte sur simple rapport d'un tiers, & sans leur donner le loisir d'y respondre. C'est ce que nous avons cru devoir dire a sujet de la lettre de Vostre Majesté en attendant que l'on acheve les Informations que nous faisons faire des autres Violences, extorsions & outrages, faicts par ledit Capitaine Spragg aux habitans de ces pais, & cependant nous prions Dieu.

SIRE, &c.

The Translation of the aforesaid Letter out of the French Original. June 27. 1662.

SIR,

WE have delayed to answer the Letter which Your Majesty did the Honour to Write to us of the 12. September of the last year, because we could not do it pertinently, being not fully informed of the State of that affair which is the Subject thereof. Captain Enno Doedesson Star of whom it complains, did serve then, as now at present, in the Fleet commanded by Vice-Admiral Ruyter in the Mediterranean Sea,

Sea, and it was necessary the matter should be cleared by Himself in all those particulars, which might have passed between him and Captain *Edward Spragg*, to the end we might be able rightly to judge of it, and to clear to Your Majesty the sincerity of our Intentions. We know not whether the said Captain *Spragg* had knowledge of the distance of *Enno Doedeffson*, and if he served not himself of his absence to give Your Majesty impressions contrary unto a Truth, of which he ought to be convinced in his Conscience. He knows, and we have put the proofs into the hands of Sir *George Downing*, Your Envoy Extraordinary with us, in what manner he scoured the Seas, particularly in the year 1659. by Pyrating upon all sorts of Nations indifferently after the Example of many other *Biscain* Pyrates; The Outrages committed about that time and some years afore by those Pyrats, & the discommodities, the commerce of the Inhabitants of these Provinces received thereby, obliged us in the year 1658. to order by a Resolution General all our Captains and Sea Officers to Treat all those *Biscain* Ships of War, without any distinction as Pyrates, and to attacke them wheresoever they met them at Sea, and carry them away. It was by vertue of this Order that Captain *Spragg* was taken, but especially for being known by three Mariners vvhich were then aboard the said *Enno Doedeffson*, to have Pyrated and to have taken with the same Ship *Charles* then named *Sr. Carlos*, among others, a Ship named the *Moor*, belonging with the greatest part of its lading which (consisted in Wines of *Canary*, and other Merchandizes) to the Inhabitants of *Amsterdam* and *Middleburgh* in *Zeland*. This Ship *SIR*, was taken by the said Captain *Spragg* and brought to the Haven of *St. Sebastian* in *Biscay* in the Moneth of *March* 1659. of which the Owners and Laders having notice, they demanded Restitution, and found Justice enough at the Court of *Madrid* to obtain it with expences, damages, and Interest; by an Authentique Decree of the King of *Spain*; but the said Captain *Spragg* and his Interested, in stead of delivering her, had the Confidence further to Arrest the said Ship, and to extort by that means at the end of five Moneths, of the Master, and of those which prosecuted the proceffe for the Interested, the sum of Seven thousand double royals of Silver, and the moyery of the proceed of Thirty Pipes of *Canary*, although of 250. Pipes with which the said Ship was laden, there were but 71 restored with the Vessel: so that although the said Captain *Spragg* had not been of the Number of those Rovers, or rather *Biscain* Pyrates against whom we had taken that Resolution General, and that Captain *Enno Doedeffson*, had not been obliged to execute it in his relation to that quality, he ought nevertheless, to take and carry him away, because of that violence done to the said Ship the *Moor*, which was declared by a Decree of the King of *Spain* to belong, as it did in truth, to the Inhabitants of this Province, unlesse he would have failed in his Oath taken to this State. So far are we from blaming his proceedings, that we fear not to tell your Majesty, that we are sorry of that accident which happened to the said Ship *Charles*, namely one of those Mariners taken within the same Ship being a Cooper, bored a hole therein, and exposed the Vessel to so manifest danger of perishing, that Captain *Wilschut*, to whom *Enno Doedeffson* had committed the Conduct of her to bring her hither, was constrained to abandon her, which was the means also of the others Escape, by which he withdrew himself from the pains of a just sentence which should have been pronounced against his Crimes. We have so well represented and proved this truth to Your Envoy Extraordinary, whom we have prayed to acquaint Your Majesty therewith, that we will not importune You here, with an ampler and longer account of this affair, onely we find our selves obliged to say, that as our manner hath alwayes been to adresse Our selves to the King of *Spain*, and to his Subjects, for reparation of those violences, losses, and damages done to the Inhabitants of these Provinces, and by them sustained, because those Rovers came forth of the Ports of *Spain*; so we think it just for us to adresse our selves to Your Majesty at present, because Captain *Spragg* is in Your Service, and for that he useth your Name in the prosecution of his unjust pretences, to demand of You Justice against him, and that he be compelled by all just and reasonable wayes, not onely to restore the abovesaid Seven thousand double royals, and the value of the Wines and other Merchandizes which he hath taken and alienated, but also other things which he found and took out of the Chest of the Master

of the ship *Moor*, whereof Your Envoy Extraordinary hath the number and value. We have great cause to hope for Your equity herein, and particularly that You will not suffer that for the future any persons shall make use of Your Name and Authority upon matters so ill-grounded and yet hardly laboured, to the taxing, upon such frivolous occasions our proceedings, and to blame our Conduct even in such termes, which are fit only for those who openly deny Justice, but that You will have as much consideration for Your good Friends and near Neighbours, as You have goodnesse towards Your Subjects, whose carriage we condemn not upon a single report of a third person, and without giving them space to reply. This is it which we have beleived ought to be said by us on the Subject of the Letter of Your Majesty, attending while the Informations are finished, which we cause to be made of other violences, extortions, and outrages done by the said Captain *Spragg* to the Inhabitants of this Countrey, and in the mean time we shall pray to God

SIR, &c.

The Reply of Sir GEORGE DOVNING, Envoy Extraordinary of His MAJESTY of GREAT BRITAIN, &c. Delivered the 13. of July 1662. upon the Answer of the STATES GENERAL of the United Provinces, to his Memorial concerning the Ship CHARLES.



His under-written Envoy Extraordinary of His most sacred Majesty of Great Britain, &c. having received the Answer of their Lordships, the Estates General of the United Provinces of the 27. of June last, to the Letter of the King his Master, and to his several Memorialls and complaints, concerning the Ship *Charles*, finds that their Lordships do not deny the matter of fact complained of, but offer in justification of what was done by Doedessen Star, that Captain *Spragg* Commander of the said Ship *Charles*, was one of the famous Pirates of Biscay, and in particular, that he had in the Year 1659. taken a certain Ship of this Countrey, called the *Moor*, laden with 250. Pipes of Canary wine, the whole, or at least the greater part thereof belonging to the Merchants of these Provinces, and carried her to St. Sebastian in Spain, and that upon this ground the said Doedessen Star had taken her in pursuance of a certain Resolution of this State, requiring all Captaines of their Ships of war to seize all private men of war of Biscay, as troubleshooters of the freedom of commerce and traffique by Sea.

And this being all that is alledged by their Lordships; the said Envoy Extraordinary doth very much wonder, that they should in their said answer charge the said *Spragg* of impudence in applying to the King his Master, and from him to their Lordships for Justice.

and

and much more that they should take upon them the patronage of this action of Doedesson Sear's and make it their own, this being no more in effect, than what was alledged in the Letter from the Admiralty of Amsterdam to them, of the 1. of November last, and communicated about that time to him, and consequently he doth not see how, or upon what account their Lordships, or he the said Envoy Extraordinary, should be better satisfied with this Answer, than with the said Letter. Captain Spragg was no more a Pirate than Doedesson Sear, he had a Lawful Commission from the King his Master, whose native Subject he was, to seize and take all Ships and Merchandises belonging to any of His Subjects then in Rebellion against Him; and in pursuance thereof, meeting with the aforesaid Ship, and finding her to be come from the Canaries, 19. parts of 20. of the Wine of the growth of which place are constantly bought by the Subjects of His Majesty, and carried into His Kingdoms, and there spent; and His said Subjects, being at that time in War with the King of Spain, and upon that account in that very year making use, in a manner, wholly of the Ships of this Country for the transport of the said Wines to England, and having other probable grounds, that a great part at least of the Wines in that Ship, did actually belong to the English, he thereupon seized her, and carried her into St. Sebastian's; and what was there herein done contrary to right, and not justifiable?

Had this Country ever any Treaty Marine with any of his Majesties Predecessors, or had they any such Treaty with the Usurpers at that time in England, whereby to make free Ship free goods; and if not, wherein was the default or crime upon strong presumptions and grounds for him, who had a Commission to take Ships and goods belonging to England, to stop that Ship and carry her into that place?

Had he kept her at Sea, or carried her into any other Country, and there sold and disposed of her, this had been a default; but the King his Master, was at that time within the Dominions of the King of Spain, and all such private Men of War as had his Commission, had liberty to equippe, to sail out of and return into all His Ports with their prizes; and accordingly the said Spragg sailed out of St. Sebastian, and returned in thither with her, & there, by lawful and due process and course in Law indebted to make her prize, and is this Piracy? or shall upon this account the said Spragg be taxed with impudence for demanding of his Ship and goods?

Were there not in those days many Ships of this Country, that were stopped upon the like ground, of having in them goods belonging to the enemies of the English, and yet those that did it, not accounted or called Pirates? and have not both formerly and of late several English Ships been stopped by the Ships of this Country, upon suspicion of having in them goods belonging to the enemies of this Country? and what upon tryall have been found so to belong to their enemies, actually confiscated, and the rest with the Ship restored? and how is this then a troubling of the freedom of trade and commerce

commerce by Sea; when the same thing and no other, is done to their people.

And in this very answer their Lordships do not affirm that the whole lading did belong to the people of this Country, but as are the words (the whole, or at least the greater part) so that notwithstanding what as yet appears to their Lordships themselves) although it is to be supposed that the Merchants interested in the said Ship put the best side outward) Captain Spragg had just grounds for the seizing of the said Ship, and the subordinate Officers of Justice upon the place were so well satisfied therewith, that without a superior command by favour from the King of Spain, he had obtained a sentence of confiscation of the said *Wines*.

And had Doedessa Star composed himself in like manner, your Lordships had not been troubled with this complaint, but when he had taken the *Charles* he forthwith plund'd her to the very boards, yea took out of her all that was good of her very sailes and rigging, used the men barbarously and cruelly, and when all was done, she was turn'd going at sea by Wilbur one of Doedessa Star's Captains, in stead of bringing her into this Country to a lawfull tryall and adjudication, the which he was obliged to have done, both by his commission and his orders from the Admiralty of Amsterdam, as appears by their forementioned Letter to their Lordships of the 1. of Novemb. last, and Captain Spragg is so far from understanding the not doing thereof to have been any thing of favour or good hap to him, as their Lordships would insinuate in their answer, as that on the contrary he complains thereof in the highest manner.

And for what is suggested, as if Wilbur his quitting of the said Ship *Charles* was out of necessity upon the account of her leakiness, this is a most frivolous and groundless pretence; for Wilbur was then upon the Coast of France (as is acknowledged in the said answer) and so if he had done nothing, but what becom'd an honest man, he might have carried her into some port of France, to have stopped her leak, and then have brought her to this Country, but the plain truth was this, Wilbur at once conscience (after some time of consideration) refused him that they had done what they could not justify, neither in France nor in this Country, and upon that account did not abandon her as would be insinuated, but forced his Majesty's Subjects into her, and with menaces bid them begone with their Ship as it was, or else that he would still keep them in troop the whole summer: and that this was the truth and bottom of the busse, appears not only by the Examinations taken in the high Court of Admiralty in England, but also by the aforesaid Letter of the Admiralty of Amsterdam, the words whereof are these:

Pourtant s'il s'estoit retourné vers *St. Martin* sudit & illecq. extendant qu' à cause de la prise de la dite Fregate en ceite Rade existeroit beaucoup des inconveniens, & considerant l'incommodité d'icelle & assy jugeant l'incertitude comment la dite prise par nous pourroit estre considérée, il se conseillist les gens y trouvez remettre en leur possession.

But

But suppose Captain Spragg had done amiss, yet he was a Subject to the King of Great Britain, France and Ireland, and the taking his Ship was in the Channell, and in the moneth of July 1660. which was about two moneths after the return of His most Sacred Majesty to his Kingdoms, and when he was in the full and peaceable possession of them; and was this a justifiable way to begin by execution? What injuries and violences have been done to His Majesties Subjects in the East-Indies by the Dutch East-India Company? How many Piracies have of late been committed by private men of War, and others of this Country upon them; and hath His Majesty begun by execution? hath He granted an order to seize the fleet of this Country coming from the East-Indies, or hath he declared all such Capers as sail from hence, troublers of the freedom of trade and commerce by Sea, and given order to all his men of war every where to take them, as your Lordships say they had done to those that sailed out of Biscay: which yet he hath the same reason to do, they pirating continually upon His Subjects, (and perchance there wants not complaints of the same nature from other Christian Kings and Princes also against them) or would ye take it kindly, if Spragg being at this time in His Majesties service in the Streights should endeavour to revenge himself upon Doedesson Star, who is also at this time employed in that Sea; And yet if this course be justifiable in their Lordships, it is without doubt as justifiable in the King his Master, and if he should take this course, they would easily apprehend, what would be the consequences thereof, nor it may be would there have needed so long and tedious a solicitation in this case; But His Majesty is pleased in the first place, (according to the Laws of friendship and good neighbourhood) to apply to their Lordships, and if justice and satisfaction can be had in a friendly way, it is that he most passionately desires, but if not, the said Envoy Extraordinary must again repeat that he will then be justified before the whole World, in betaking himself to such further remedies as may be capable to procure releif to the said Spragg his most loyall and faithfull Subject, whom he cannot nor will not suffer to go without reall satisfaction; nor doth he love to have his Subjects accused of impudence, when they only humbly addresse themselves to him for help, and their complaints are by him in a friendly way transmitted hither.

And the said Envoy Extraordinary doth once more demand, that satisfaction and reparation be forthwith made for the said Ship Charles, and so that after the many proofes of His Majesties zeal for the relief of the people of this Country against Piracies of this nature, he may at last have one instance of theirs towards his, nor can it now be doubted, seeing what was done in this matter was not only done by their Lordships own men of war, but (as they are now pleased to avow in their answer) in persuance of their order: It was too much that Ships of war sailing with His Majesties commission, were from time to time taken by the Ships of war of this Country, during the late disorders, but that any such thing should be attempted, or done, and that in His Seas, since His return into His King-

domes, His Majesty can in no ways digest or passe by without ample and full satisfaction. Given at the Hague this 13 of July 1662.

G. DOWNING.

Advertisement.

In regard I was intreated by some of the Persons Interessed in the Ship Charles, Experience, and St. John Baptist, to press the States General and their Deputies for satisfaction and reparation, for the Dammed suffered in those cases, I thought it convenient, in vindication of the English concerned therein, to make mention of the proceedings aforesaid; and the rather because of the aspersion most wrongfully cast upon them, and my self, in the Low Countryes, which were taken for granted by the Common People, being published in Print both in French and Dutch, by the States or their order, before any Reply was given to the same; And the Ten select Articles of Cromwell's Treaty with the other things following are to be considered in some Arguments raised upon Debated hereafter expressed, which I took notice of in several Conferences between me and diverse persons at Amsterdam.

G. C.

Ten

Ten Select ARTICLES of the Treaty between O. Cromwell and the States Generall of the United Provinces, 1654.

III.

I Tem, That all Offences, Injuries, Charges and Damages, which either party hath sustained by the other since the ¹¹ of May, in the year one thousand six hundred fifty two, shall be taken away and forgotten in such manner as that hereafter neither party shall pretend any matter against the other for or upon occasion of any the aforesaid Offences, Injuries, Charges and Damages; But that there shall be a perfect abolition of all and every of them untill this present day. And all actions for the same shall be held and reputed void and null.

VII.

That neither of the Common-wealths, or the People abiding, inhabiting, or dwelling within either of them respectively, or within their power, shall yeild, give, or afford any aid, counsell or labour to the Enemies or Rebels of either, but shall expressly, really, and with effect hinder any inhabiting, dwelling or abiding within either of them or within their power, from giving any aid or assistance unto such Enemies or Rebels; by Men, Shipping, Arms, Ammunition, Money, Victuals, or otherwise by Sea or Land: and all such Ships Arms, Ammunition, Money, Goods, or Victuals, of or belonging to any person or persons whatsoever, that shall be provided, employed or made use of, contrary to the intent of this Article, shall be confiscate and forfeited to the respective Common-wealths. And the person or persons who shall wittingly and willingly do, attempt, counsel, or be employed therein, shall be declared Enemies to both Common-wealths, and shall suffer the pains and penalties of Treason within the Common-wealth where the Offence shall be committed. And to the end there may be a specification made of what Goods shall be deemed prohibit, or contraband, Commissioners may in convenient time be appointed to determine herein; Provided in the mean time that this extend not to the impeachment of any thing contained in the present Article.

IX.

That neither of the Common-wealths, or the People of either shall receive into any of their Jurisdictions, Countries, Lands, Ports, Creeks, or Precincts, any person or persons, that are or shall be declared by either of the Common-wealths to be Enemies, Rebels or fugitives of the other; Nor shall give, yeild or afford to any such declared Enemy, Rebell or fugitive within the places aforesaid, or other-where, though out of their Territories, Countries, Lands, Ports, Creeks, or Precincts, any aid, counsel, Lodging, Entertainment, Souldiers, Ships, Money, Arms, Ammunition or Victuals.

nor shall either of the States permit such Enemies, Rebels or fugitives to be receiv'd by any person or persons whatsoever into their Jurisdictions, Countries, Lands, Ports, Creeks or Precincts; nor shall suffer any Aid, Counsel, Lodging, Entertainment, Souldiers, Ships, Money, Arms, Ammunition, or Victuals to be given, yielded or afforded unto such Enemies, Rebels or fugitives, but shall expressly and effectually oppose, withstand, and really hinder the same.

XIII.

That the Ships and Vessels of the said United Provinces, as well Men of War as others meeting with any of the Ships of War of this Common-wealth in the British Seas shall strike their Flag and lower their Top-sail in such manner as hath ever been at any time practised heretofore under any former Government.

XVI.

That if it shall happen that during the Amity, Confederation and Alliance, any thing shall be acted or attempted by any of the people or Inhabitants of either of the said Parties against this Treaty or any part thereof, either by Land or Sea, or other Waters, this Amity, Confederation & Alliance between the said Common-wealths shall not be hereby interrupted or broken off, but shall continue and remain in its full and whole power only in such case those particular persons, who have offended against the said Treaty, shall be punished and no other, And that justice shall be done, and satisfaction made to all persons concerned within twelve months after demand thereof made, upon all such persons who shall have done any thing against this Treaty, by Land or Sea, or other waters in any part of Europe, or any place within the Straights of Gibraltar, or in America, or upon the Coasts of Africk, or in any Lands, Islands, Seas, Creeks, Bays, Rivers, or any other places on this side the Cape of Good-Hope: And in all places whatsoever as aforesaid, beyond the said Cape, within 18 months next after demand of Justice, shall so as aforesaid be made: And in case the persons so as aforesaid offending, shall not appear and submit themselves to justice, and make satisfaction within the terms respectively here before limited, the said persons shall be declared Enemies to both Common-wealths, and their Estates, Goods, and effects whatsoever, shall be confiscate and employed to a due and full satisfaction for the wrongs by them done, and their persons be liable to such further punishment, when they shall come within the power of either State, as the quality of their offence shall deserve.

XXIV.

That in case any wrong or injury be done by either Common-wealth, or by the People or Inhabitants thereof, against the People or Inhabitants of the other, either against any the Articles of this Treaty, or against Common right, there shall yet no Letters of Reprials, Pardon or Countermark, be granted by the one or the other Common-wealth, till first Justice be there sought in the ordinary course

course of Law; and in case that Justice be there refused or delayed, then, that Demand be made thereof from the supreme power of the Common-wealth, whose people or Inhabitants have suffered wrong, or from such as the supreme power shall depute, to that Common-wealth where Justice is as aforesaid denied, or delayed, or to such power as shall be by them appointed to receive such Demands; that all such Differences may be composed amicably, or in the ordinary course of Law. But if there shall be yet delay, and that Justice be not done, nor satisfaction given within three moneths after such Demand made, that then Letters of Reprial, Mark or Counter-mark may be granted.

XXV.

That all persons on either side that shall go out to Sea upon particular Commissions shall be bound before they take out their Commissions to put in good and sufficient Security by responsible Men not of the Ships Company, before the Judges of the Court whence the said Commission is issued, that they shall do no wrong or injury to the People or Inhabitants of either side.

XXVII.

That the Lords the States General of the United Provinces shall take care that Justice be done upon those who were Authors or Abettors of the Murder committed upon the English in Amboyna, as the Common-wealth of England was pleased to qualifie it, if any of them be yet alive.

XXX.

Item, Agreed, that at the time of the deliberie of the instruments of Ratification, four Commissioners shall be nominated on both sides to meet here at London, upon the eighteenth day of May next old style, who shall be authorized and impowered, as also by these presents they are authorized and impowered to examine and determine all the losses and injuries which either side alledges to have sustained from the other since the year one thousand six hundred and eleven, unto the eighteenth day of May, 1652. old style, as well in the East-Indies, as in Greenland, Muscovy, Brazeel, or in any other place, the particulars of all which are to be delivered into the Commissioners nominated as above, before the said eighteenth day of May under this restriction, that after the said day prefixed no new allegations shall be admitted. And if the above-said Commissioners shall not within three moneths space, to be accounted from the said eighteenth day of May, come to an agreement, concerning the differences aforesaid, delivered in writing and expressed in particular, That in such case the aforesaid differences shall be submitted, as by these presents they are submitted, to the judgment and arbitration of the Protestant Cantons of Swisserland, who by an instrument for this purpose (the form of which is already agreed upon) shall be desired to take upon them that Arbitration, and appoint like Commissioners impowered and instructed to give final judgment thereupon within six moneths next following after the expiration of the three moneths aforesaid. And what-

soever the said Commissioners or the major part of them, shall award and determine within the said six moneths, shall oblige both parties, and be performed accordingly.

XXXI.

It is also agreed, That both Parties shall firmly and truly perform and observe this present Treaty, and every Article and Thing contained and concluded therein, and shall cause the same to be performed and observed by their respective People, Subjects and Inhabitants.

*The CLAIM exhibited against the Dutch, by
Mr. Tombes, 1654.*

EXTRACT.

Index sive Repertorium Postulatorum quæ ex parte Mercatorum aliorumque *Anglorum* contra Populos Fœderati *Belgii* virtute trigesimi Articuli Pacis inter utramq; gentem nuper initæ & stabilitæ, & editi cā super re postmodum facti, & vigesimo quarto *Maii* 1654. promulgati, die Martis trigesimo *vix.* *Maii* predicti coram Venerabilibus Dominis Commissariis hinc inde nominatis exhibebantur.

Guilielmus Tombes Executor Testamenti Domini Pauli Pindar Militis interessati in nave Bona Esperanza, unâ cum mercibus mense Junio anni 1643. dum Chinam versus à Goā navigabat a duabus navibus bellicis ad Hollandos spectantibus capta, pro suis & marinariorum damnâ reparationem petit ad summam septuaginta duarum millium quingentarum sexaginta quatuor librarum Anglicarum--72546--00--00.

Contordat cum suo Indice præmisso.

J. Spronssen.

To the Right Worshipful the Commissioners appointed by His Highness Oliver Lord Protector, and the Lords States Generall of the United Netherlands, to hear and determine all Losses between the English and Dutch; according to the 30. Article of the Peace.

The humble Petition of Henry Powell, Citizen and Draper of London, on the behalf of himself and the other Creditors of William Courten late of London, Merchant.

Sheweth,

That by virtue of a Commission under the great Seal of England, grounded upon the Statutes made concerning Bankrupts, directed unto James Winstanley and others appointed to inquire into the Estate of the said William Courten, and to distribute the same according to the Laws in that Case made and provided, whereby the Commissioners found the said William Courten became insolvent, and that the East-India Company of the Netherlands and their Ministers abroad, had seised and possessed themselves of two Ships belonging to the said William Courten, called the Bona Esperanza and the Henry Bona Adventure of London, with all their Lading, Goods, Merchandizes, and Provisions; and also had done unto the said William Courten and his Factors, many other violent injuries and wrongs in the East-Indies, whereby he himself and his Creditors are dammified to the sum of 150000 l. and upwards; as by Authentique Proofs taken in the Admiralty may appear.

The premisses considered, and forasmuch as the Creditors of Mr. Courten are intituled to the said Money accruing by the damages aforesaid; Your Petitioner therefore humbly prays, on the behalf of himself and the Creditors, that his Claim may be entred, & receive such a speedy determination for relief of himself, and many poor fatherlesse Children, and Widowes, Creditors aforesaid; as in all Justice and Equity the merits of the Cause shall require.

And your Petitioner shall pray, &c.

Received and admitted
Tbo. Lovell.

Hen. Powell.

May 12. 1654.

To the Honourable the Commissioners appointed by the Articles of Treaty, between His Highnesse the Lord Protector, &c. And the Lords the States General of the United Provinces of the Netherlands.

To Examine and Determine all Losses and Injuries which either side alledgah to have sustained from the other.

The humble Petition of Thomas Newman, Richard Wheeler, Francis Hill, and Andrew Wetton, in the behalf of themselves and the rest of the Company, of and in the Ship Bona Esperanza.

Showeth,

THat the said Ship being set out in the employment of *William Courten* Esq; *Thomas Kynaston* & Company authorized by vertue of Letters Patents granted by the late King for Trading to the *East-Indies*, in her passage from *Goa* to *Macca*, in the year 1643. at which time there was perfect peace and amity between the *English* and *Dutch*; was contrary to the said Peace and Amity, in a violent and hostile manner surprized and seized by two *Holland* Ships, belonging to the *Holland East-India* Company, the one called the *Vendillo*, and the other the *Portogallo*; in which Ships Seignior *Fermaren*, Seignior *Gealand*, and the Lieutenant of the Fort of *Malacca*, were Commanders, who all three at first came aboard the said Ship *Bona Esperanza*, as friends in way of visit, and accordingly parted; but soon after beyond all expectation of the Petitioners, Shor a Peece of Ordnance in an Hostile manner, and forthwith killed the Master *Roger Tuckerman*, and afterwards in Fight took the said Ship by force of Armes, to the damage of your Petitioner *Newman* at least 1400 *l.* he (being then Sole Factor of the *Cargozon*) and to the Damage of the rest of your Petitioners and the Company of the said Ship 2000 *l.* which respective damages have ever since tended, and do tend to the utter ruining of your Petitioners: All which appears by the Claims and Depositions in the Admiralty, now brought before your Honours by *William Tombes* Esq; Executor to the last will of *Sir Paul Pindar* Knight, the Assign of the said Esq; *Courten*.

Your Petitioners in obedience to, and persuance of your Honours late Declaration injoyning all Claimers to bring in an Abstract of their Damages in particular, have presumed to present their Case as above by this their Petition.

Most humbly praying that their Claim aforesaid, may be distinctly set apart by it self. And that they may according to the power and authority wherewith your Honours are now invested by the Articles aforesaid, receive their several satisfactions, answerable to their proportions of damages aforesaid.

And your Petitioners shall ever pray, &c.

Received and admitted

Th. Lovell.

May 14. 1654.

Rich. Wheeler.

Thomas Newman.

Francis Hill.

Andrew Wetton.

A Breviate of the Depositions taken in the High Court of Admiralty in England, concerning the Ship Bona Esperanza, referring to the several Fol. and Interogatories.

That in 1641. *William Courten* and *Company* Freight and set to Sea the Ship *Bona Esperanza*, wherein *Roger Tuckerman* was Master, on a Trading Voyage to the *East-Indies*.

That 180. Tuns of the said Ship at *Goa*, was let to Freight by *John Faren* for *Courten* and *Company*, to the *Portugals* for a Voyage from *Goa* to *Maccao* in *China*, and from thence back again to *Goa*, and there was to be paid for outward Freight 8000. Rials of eight and 3000. Rials of eight, for her homeward Freight, the rest of the Tonnage was reserved for *Courten*.

That the *Portugals* about *March* 1643. at *Goa*, put aboard the said Ship, goods of a great value, and about 100. passengers bound for *Maccao*, which the Master and *Company* undertook, and endeavoured to perform the same.

That besides the *Portugals* goods taken in at *Goa* there were divers goods taken in there, and at other places for Mr. *Courten* and *Company*, to be carried to *Maccao* in *China*, which Ship set *Sayle* from *Goa* towards *Maccao* in *April* 1643. the last Port that goods were taken in at, was *Atcheene*, and that all the goods in the Schedule in the 4. Inter. mentioned, were the goods of *Courten*, and *Company*.

Fol. Inter.

R *Ob. Gray* 2 1
Rich. Wheeler 37 1
 Saith she went out about
 3. Decemb. 1641. as he
 remembers.
Fra. Hill 21 1
Tho. Newman 58 1
 Saith the goods in her
 were consigned to the
 Factor of *Courten* and
Company in *India*.

Tho. Lamberton 71 2
William Page 47 2
Tho. Newman 59 2
Rich. Smith 39 2
Rich. Wheeler 38 2

Tho. Newman 59 3
Will. Page 48 3

Saith that some goods
 were by the *Portugals*
 laden, and some for
Courten and *Company*.

Rob. Gray 3 3
Andr. Weston 14 3
Tho. Lamberton 72 3

Rob. Gray 4 4
Rich. Smith 31 4
Rich. Wheeler 39 4
Will. Page 49 4

Saith they went from
Atcheene in or about
May 1643.

Tho. Lamberton 72 4
 Saith he cannot expresse
 the times, because the
Dutch took away his
 Papers, Writings, and
 Books of Account.

92 *The Case between the Assignes of William Courten*

That in *June 1643.* the Ship with her Lading in her passage towards *Macao*, was in a Hostile manner taken by two Ships the *Vandillo* and the *Portugallo*, both belonging to the *Holland East-India Company*, having with a great Gun and small Shot killed the Master *Roger Tuckerman* before any resistance was made by the said Ship, and afterwards by force took the said Ship and Lading, and robbed the Merchants and Company of all they had, and carried all to *Mallacco*, being under the Command of the *Dutch*.

The Commanders of the *Dutch* Ships after three or four houres Fight, took the Ship *Bona Esperanza* and all Lading, killed the Master and three or four in Fight, wounded many, whereof some dyed, and used the rest of the company very inhumanely.

The Ship was *English* built, and the Master and company were all *English* and *Portugals*, except some *Blacks*, which were the *Portugals* slaves, and her Lading belonged to the *English* and *Portugal*.

That in *November 1643.* the Peace between the *Dutch* and the *Portugal* was proclaimed in *India*, which was before the taking of the Ship, and ever after assisted each other.

That whilst the Ship was at *Gona* Lading for *Macao* one *Boreall* was sent to *Gon* from the General of *Batavia*, for the *Dutch* in *India* to Solemnize the confirmation of the Peace between the *Dutch* and *Portugals*; and *Newman* saith he saw the Articles.

That in observation of the Peace the *Dutch* at *Mallacco* let a Ship to freight to the *Portugal* to Trade in the *Indies*, and bound for *Gon*, and *Portugal* goods Laden in her.

Fol. Inter.

| | | |
|-----------------------|----|---|
| <i>Tho. Newman</i> | 61 | 5 |
| <i>Rob. Gray</i> | 5 | 5 |
| <i>Andr. Wetton</i> | 15 | 5 |
| <i>Fra. Hill</i> | 24 | 5 |
| <i>Rich. Smith</i> | 32 | 5 |
| <i>Rich. Wheeler</i> | 40 | 5 |
| <i>Will. Page</i> | 50 | 5 |
| <i>Tho. Lamberton</i> | 74 | 5 |

| | | |
|----------------------|----|---|
| <i>Rob. Gray</i> | 6 | 6 |
| <i>Andr. Wetton</i> | 26 | 6 |
| <i>Fra. Hill</i> | 25 | 6 |
| <i>Rich. Smith</i> | 32 | 6 |
| <i>Rich. Wheeler</i> | 41 | 6 |
| <i>Will. Page</i> | 51 | 6 |
| <i>Tho. Newman</i> | 63 | 6 |

| | | |
|-----------------------|----|---|
| <i>Rob. Gray</i> | 7 | 7 |
| <i>Andr. Wetton</i> | 17 | 7 |
| <i>Fra. Hill</i> | 26 | 7 |
| <i>Rich. Wheeler</i> | 42 | 7 |
| <i>Will. Page</i> | 52 | 7 |
| <i>Tho. Lamberton</i> | 76 | 7 |
| <i>Rich. Smith</i> | 33 | 7 |

| | | |
|----------------------|----|---|
| <i>Rob. Gray</i> | 8 | 8 |
| <i>Andr. Wetton</i> | 18 | 8 |
| <i>Fra. Hill</i> | 26 | 8 |
| <i>Rich. Smith</i> | 34 | 8 |
| <i>Rich. Wheeler</i> | 42 | 8 |
| <i>Tho. Newman</i> | 64 | 8 |

Saith the *Dutch* kept the *English* Prisoners above 5 Months before they would let them go.

| | | |
|-----------------------|----|---|
| <i>Tho. Newman</i> | 65 | 9 |
| <i>Rich. Wheeler</i> | 43 | 9 |
| <i>Rob. Gray</i> | 8 | 9 |
| <i>Andr. Wetton</i> | 18 | 9 |
| <i>Fra. Hill</i> | 27 | 9 |
| <i>Rich. Smith</i> | 34 | 9 |
| <i>Tho. Lamberton</i> | 78 | 9 |

| | | |
|-----------------------|----|----|
| <i>Tho. Lamberton</i> | 79 | 10 |
| <i>Rich. Wheeler</i> | 44 | 10 |
| <i>Fra. Hill</i> | 27 | 10 |

That

That after the Ship was taken some of her Company were carried from *Malacca* to *Batavia* to which place came a *Portugall* Ship Laden with *Portugall* goods, where the *Dutch* permitted them to dispose of their goods without interruption.

That the 8000. Rials for outward Freight invested at *Maccao*, would have produced in *India* at least 4000 *l. sterl.*

That a Riall of 8. is worth in *India* 5 s. and 32000 Rials makes 8000. *sterl.*

That if Mr. *Courten*s goods had been sold at *Maccao*, and returns made to *Goa*, and from thence turned into *India* goods, they would have produced at *London*, 36000 *l. sterl.*

That there was left at *Maccao* upon a former voyage for the Accompt of Mr. *Cowrt*en and Company 2750.

That 7750 *l.* in Rials of 8. invested at *Maccao*, and from thence transported into *India* and there sold, and the proceed invested into *India* goods, and those brought into *England* would there produce 35000 *l.*

The Ships Tackle and furniture worth 4000. *sterl.*

The particular of what the Factors and Marriners have lost by taking of the said Ship, was 3516 *l.*

Besides,

The losses of the Kings Subjects according to the value His Majesty pleases to put upon them, considering the impoverishing of so many Families occasioned by the loss to the Fatherlesse and Widows of the Marriners.

| | Fol. | Inter. |
|-----------------------|------|--------|
| <i>Rich. Wheeler</i> | 44 | 11 |
| <i>Tho. Newman</i> | 66 | 11 |
| <i>Tho. Lamberton</i> | 79 | 11 |
| <i>Rob. Gray</i> | 9 | 11 |
| <i>Andr. Wetton</i> | 19 | 11 |
| <i>Rich. Smith</i> | 35 | 11 |
| <i>Will. Page</i> | 54 | 12 |
| <i>Tho. Newman</i> | 67 | 12 |
| <i>Tho. Lamberton</i> | 80 | 12 |
| <i>Tho. Lamberton</i> | 81 | 13 |
| <i>Will. Page</i> | 55 | 13 |
| <i>Tho. Newman</i> | 67 | 13 |
| <i>Will. Page</i> | 55 | 14 |
| <i>Tho. Newman</i> | 68 | 14 |
| <i>Tho. Lamberton</i> | 81 | 14 |
| <i>Tho. Lamberton</i> | 82 | 15 |
| <i>Tho. Newman</i> | 68 | 16 |
| <i>Tho. Lamberton</i> | 82 | 16 |
| <i>Robert Gray</i> | 10 | 17 |
| <i>Andr. Wetton</i> | 20 | 17 |
| <i>Rich. Smith</i> | 36 | 17 |
| <i>Rich. Wheeler</i> | 45 | 17 |
| <i>Tho. Newman</i> | 69 | 17 |
| <i>Tho. Lamberton</i> | 83 | 17 |
| <i>Rob. Gray</i> | 11 | 19 |
| <i>Andr. Wetton</i> | 20 | 19 |
| <i>Fra. Hill</i> | 28 | 19 |
| <i>Rich. Wheeler</i> | 46 | 19 |
| <i>Will. Page</i> | 57 | 19 |
| <i>Tho. Newman</i> | 69 | 19 |
| <i>Tho. Lamberton</i> | 83 | 19 |
| <i>Rich. Smith</i> | 36 | 19 |

**The Translation of the Agreement concerning the
Henry Bona Adventure, between the Mariners
and Adriaen vander Stell.**



Underwritten Adriaen vander Stell Commander of the Island Mauritius, on the part and behalf of the Netherlandish East-India Company, do declare (upon the Instant Request of Henry Glascock Merchant, and Edward Lock Master of the Ship called the Henry Bona Adventure, that on the second of February last past at night, there arose here a very violent Hurricane whereby they lost their said Ship called as above, on the Northside of this said Island, and repairing thereunto, I found the said Ship as yet whole & entire, setting upon the Record, I did also hear that the said Merchant and Skipper have oftentimes Charged or Commanded the said Ships Company to save or preserve their Masters goods, whether Peppers or other Commodities; whereupon the said Ships Company Replied, that they did not desire to hazard their lives, for as to the goods that should be so saved, when that they should be Transported into England, they should not enjoy one either here for the saving or preserving of the said Goods, insomuch that the abovesaid persons intreated me to save the said goods with the Companies Mariners, for otherwise the said goods would in a short time be swallowed up or Perished in the Seas. All that which is abovesaid I do declare to be in substance the very truth, and shall verifie the same more at large according as the business shall require.

Done on the Island of Mauritius on the Northside of the said Island on the 10. of February 1643.

Signed Adriaen vander Stell.

VV Underwritten Henry Glascock, and Skipper Edward Lock, John Rogers Chief Storer, John Peacock Under-Storer, and Edward Stacy Assistant, have at sundry times required the said Ships Company to save or preserve and bring on shore the Companies goods, whether Peppers, or other Wares or Commodities, and because they refused so to do, and did not desire to hazard their lives to save or preserve the said Companies goods, therefore we underwritten did Request the said Commander Adriaen vander Stell, that the same might be saved or preserved by his People or Mariners, namely all that which should be found to be remaining in the Ship, and in that respect we conceived that it was

was better that the same should be saved or preserved rather than to suffer them to be destroyed: And moreover that the Netherlandish East-India Company, would be pleased to do or act therein, according as they should find it most convenient.

Done upon the Island of Mauritius on the North-westside of the said Island, this 10. day of February 1643.

And was Subscribed,

Henry Glascock
Edward Lock
John Rogers
John Peacock
Edw. Stacy.

Being examined with the Original the same is found to agree therewith, this 10. of March, An. 1643. upon the said Island Mauritius.

Signed *Jacob vander Merfche.*

Concordat substantialiter cum suo originali quod attestor.

J. Daniell. Not. Pub.

The Commissioners Certificate translated into Dutch out of the English.

J. Winstanly.

Rich. Adams.

Rich. Norton.

Simon Smith.

Alsoo inden Name van sijne Majesteit seekger Commissie van Banckeroute onder het groot Zegel van Engelandt gedateert des 26 Januarij nu laestleden gesundeert op verscheyde Acte by t'Parlement aengaende Banckeroutes gemaecte is vernieuwt ende geaddresseert aen ons wiens naemen hier onder geschreven staen, tegen William Courten Coopman van Londen; verclaeren atte sieren ende certificeren by deses dat den voorn: William Courten is banckerout geworden inden maent van Septemb. int' Jare onses Heeren 1643. gelyck naer D'examinate onder Eede van verscheyde Getuygen is blyckende, twelck wy Getuygen onder onse handen & Zegels den 2 Feb. 1666.

Andere Copie Translaet.

Alden den geenon die deses Jegenwoordiger sullen sien ofte hooren leesen, Sir Richard Browne Ridder Barr. heer Burgemeester, Schepenen, ende Raet der stadt Londen, doen te weten dat op hijsden deser int' hof in persone verschene ende gecompareerts sijnde eermaerdige Jacob Winstanly van Grays Inn, & Richard Adams van Lincolns Inne, int' Graeffschap van Middlesex Schilteknappen Drs. inde Rechten, ende Richard Norton ende Simon Smith Coopnijden inde voors. stadt personen van bekende Waerdicheit & vromigheit, & hebben voor ons geproducet seekere Commissie verleent by sijne wysenonste Majesteit onder het groot Zegel van Engelandt aen haer & anders daer in genoemt geaddresseerts, haer autoriseerende te ondersoecken de gelengheid Staet & qualiteyt van William

Courten *leff* Coopman in dese Stat van Londen & andere saecke dies aengaende te doen & wyt te Wercken als by de selve Commissie is geordonneert & de selve comparant oock voor ons Praducerende de attestatie ofte Certificatie hier voords staende, Raeckende den voorn. William Courten Banckeroone geconfermeert ende geattesteert met hare respectieve handen & Zegels de Welcke Sy lieden tot meerder sekerheyt elck int bysonder voor ons hebben veratificeert geapprobeert & geconfermeert ons versoekende dese met onse verclaeringe te Vullen authenticiseren en verkrachten ende deselve tot hare intentie volcomen effect mach sorteren; waer omme; wy daer van hebben gegeven dese onse opene verclaeringe & in dijcken dar waerheyt hebben dese doen Zegelen met het Zegel van Burgemaster ampt deser voorn. Stat Londen: gedateert in Londen deses 6 Feb. 1660. ende int 13 Jaer van Regeringe van onsen Souveraine Heere Carel de tweede door Godes genade Coninck van Engelande, Schotlande, ende Irelant, Beschermmer de Geloofs; & was onder Welde hebben verijde gedruckt bei Zegel der Stat Londen in Roode Walsche met Wit Papier overdeckt onderstont Aldus getranslateert & met sijne originele accorderende bevonden by my, & was onderseykent J. vander Heyde.

A Breviate of the Depositions taken in the Court of Admiralty concerning the Ship Henry Bona Adventure of London.



Edward Locke saith and deposeth that upon the 24 of January 1642. in the morning about Three of the Clock, the Ship *Henry Bona Adventure* of the burthen of 160 Tons laden with Pepper and Iron, for account of *William Courten and Company*, whereof this Examinant was Master, coming to the West part of *Sumatra*, was driven on Shore by an Hurricane upon the Island *Mauritius*, where the *Dutch* did inhabit, and *John Rogers* saith and deposeth that the said Ship being bound for the Port of *London*, for Account of the aforesaid *Mr. Courten and Company*, laden with Pepper taken in at *Tongouba*, that when the Ships Company found themselves in great distress, after they had saved many Boats full of the Goods, they desired the assistance of the *Dutch*, who came down to the Sea side, and with the help of the Seamen saved all the Ships lading. provisions, and tackle, but the Ship perished in the Sea. *Edward Stacy* saith and deposeth, that about the time aforesaid, the said Ship struck upon a Rock neer the Shore of *Mauritius*, laden with Pepper, part whereof was taken in at *Atcheene*, and part at *Tongouba*, and some Iron carried from *London*, and that all the goods saved, were left in the Custody of the Governour of the said Island, for the account of *Courten and Company*, allowing the *Dutch* such salvage as was usual in such cases, or as the said Companies should agree upon between themselves.

Henry Glascock Cape Merchant of the said Ship, upon the account aforesaid, saith and deposeth, that the said Ship struck upon a Rock neer the said Island, and being in an apparent danger of perishing, he sent on Shore to *Adriaen vander Stell* Governour of said Island for the *East-India Company* of the *Netherlands*, and craved the assistance of the Inhabitants of the said Island towards saving the Ship and Goods.

That this Examinant shipped 327 bahars of Pepper, at the places aforesaid, and saith that there were 700 bars of *Spanish Iron* in her, that were left unfold which were brought from *London* upon the Account aforesaid: That the said Governour would not weigh the said Pepper although earnestly desired by this Deponent and the Ships Company, he pretending they had no Scales.

That after much debate about the said Salvage, it was concluded and agreed upon between the Governour and this Deponent, and the Examinant *Edward Lock* Master of the said Ship, that it should be referred to the *East-India Company* of *Holland*, and Mr.

Mr. Courtens Company to allow the men satisfaction for their pains.

That according to the said Agreement there was a writing drawn up in *English*, to which the *Dutch* Governour was desired to subscribe, this Examinant, and the Master, with some others, having subscribed the same; who refused, pretending he could not understand *English*, and the said Governour caused one to be drawn in *Dutch*, and some of the *Dutchmen* there that understood both *Dutch* and *English*, affirmed it was in substance the same with the other, or to that effect, whereby the Examinant Edward Lock Master, John Rogers, John Peacock, and Edward Stracy, all of the said ships Company did subscribe the same, intending it to no other purpose but that the business should be suddenly ended by the Agents or Ministers of both Companies in the *Indies* then Resident, the one at *Batavia*, and the other at *Goa*, all which the Deponents affirmed to be true by virtue of their Oaths.

The Authentique Copy of Jonas Abeel's Insnuation to the East-India Company of the Netherlands.

May 25. 1648.



Dhyden hebbe ick Gerriz Coren, Notaris Publijc, by den hobe van Hollandt geadmitteert, residerende binnen Amstelredamme, my met den geturgen naegenoemt getransporteert ende gebonden op t' Oost-Indisch huys deser Stede, inde vergaderinge vanden heeren Betwinthebberen der Geotropeerde Oost-Indische Compagnie alhier, Inde haer E. met behoorzlicke eerbiedinge, int den naem van Sr. Jonas Abeels, Coopman alhier, als last, ende procuratie hebbende vanden heer Paulus Pindar, Ridder der Stadt London, geminsueert t gene volcht.

Jonas Abeels, als last ende procuratie hebbende vanden heer Paulus Pindar, Ridder der Stadt London, volgens den instrumente van procuratie, by denselven here Paulus Pindar, op den 11 dach Februarij 1647. Style van Engelandt vooz den Notaris Josua Mainet ende sekere geturgen gepasseert; Doet mits desen de tegentwoordige vergaderinge vanden aenwoelende heeren Betwinthebberen der Nederlandtsche Geotropeerde Oost-Indische Compagnie, insinueren ende interdiceren: Alsoo de Originele Insinuant, de heer Paulus Pindar voozint. als actie ende transport hebbende vanden heer Willem Courten Schilcknaep van London, alleen gerechticht is tot het geene de, voozm. Comp. bevonden sal woorden te moeten nitkeeren, vooz de schaden ende verliesen geleden ende noch te lyden dooz t' onrecht saiseren ende detineren van't Schip genaemt de Bona Esperanza, anders de Good Hope van London, ende d' ingeladen goederen, als oock vooz alle de goederen ende Coopmanschappen, gesalbeert uyt het Schip, genaemt de Henry Bona Adventure van London, welck voozm. Schip de Bona Esperanza, met hier ladinge genomen is inde Oost-Indien, ende de ladinge van't voozm. Schip de Henry Bona Adventure (soo de voozm. originele Insinuant verstaen heeft) op t' Eylant Mauritius gesalbeert


salverrt en genomen is geweest in t' besit banden heer Adriaen vander Stell, Gouverneur aldaer voer de voorn Comp. alles nae werden uytwysen banden voorn instrumente van procuratie, ende het transport banden voorn Courten, daer inne vermeldt: Dat derhalven de heeren Geinsinuerden geen penningen, ter saecke bande voorn schaden en verliesen, als ooch ter saecke bande voorn geberchde goederen, en sullen betalen aen iemant anders, als alleen aen den Insinuant in qualite voorn, of sijn voorn, principale, ofte in cas de heeren Geinsinuerde, desen niet tegenslaende, contrarien comen te doen, dat hen de sulcx geen betalinge en sal verstecken, maer datse andermael aen den Insinuant in qualite voorn of sijn voorn principale sullen hebben te betalen. Waer van wel expresselick protesterende, mitsgaders, in cas van eenige contrabentie, mede van alle costen, schaden en interesse.

Alle t' welcke by de heeren Geinsinuerden gehoort, antwoorden, datmen hen soude geven copie ende die t' anderen daegs leveren aen de Bekenmeesters. Aldus gedaen binnen Amsterdam ter presentie van Ian Ianz ende Adam Nijs, Intwoonderen deser Stede, als getuygen, hier ober gesaen des 25 May 1648. Onderstandt Wytgegeven voer Copie, ende accordeert met de principale by my: Ende was gerekent.

G. Coren. Not. Pub.

1648.

*Certain Evidences and Presumptions concerning the
Losse of the two Ships called the Dragon and Ka-
tharine of LONDON.*

 *Out of the Book of Resolutions at Goa, in the Instructions given to John Durson on his Persia Voyage: Also if you happen to meet with the Ship Hopewell (Mr. Edward Lock, or whosoever Commander) inquire diligently of six Dutchmen taken aboard the said Ship at her last being at Cocheen, who can make certain Relation concerning the Dragon and Katharine, their sinking between the Island of Ceylon and Mauritius, by six Dutch Vessels or Ships (as we are informed) whereof the Ship called Amsterdam was Admirall. 21 Novemb. 1644.*

Subscribed per John Farren, John Darrell.

London 9 Junii 1641.

Francis Day saith, that from Musulipatam he came to Surrat, and coming before Goa, was forced to strike by the Hollanders, and a Boat from the Ship Amboyna, came aboard to have a discharge how that they received no injury from

from the Hollanders, which Discharge was written twice before it could be to their liking, and amongst the Boats Crew, there was an Englishman, who told the Purser of the Expedition, (as three or four men come home by the Crispiana, can witnesse) 'tis well you struck, for all the Guns aboard were primed, and the Linstocks ready, waiting for the word to give fire, and would have sunk you, and God knows what's become of Captain Weddall, which words being spoken, he was called away by the Commander into the Boat.

Subscribed Francis Day.

John Carter came home in the Crispiana, and afterwards in the Bona Esperanza, tells the same words as Francis Day abovesaid.

London 25 Jan. 1641. aboard the Hester at Blackwall, were William Courten, John Rushout, Captain Robert Moulton, Anthony Robertson one of the Queens Musicians, Edward Knipe, and John Benning, were told by William Tailor Masters Mate, and confirmed by Robert Hogg Master of the Hester,

That William Tailor aforesaid going a shore at Cocheene, William Gorye the Governour of the Town and Castle demanded or asked him among other things, whether Captain Weddall was arrived in England with his two ships? to which he answered he was not; and do you know what is become of the said two ships? he answered he knew not; then said he you must know they were sunk by the Hollanders about Ceylon: he asked how he knew this, to which he answered, here are passed through this Town two Slaves, which were taken by the Hollanders, and made an escape from them, which two Slaves have reported the same for a certain truth to all the Inhabitants of Cocheene; the said two Slaves were then gone for Goa or India, more particulars they neglected to enquire: after they also asked what Hollanders should have sunk or taken them, answer was made, part of the Fleet which lay before Goa, in the way home to Jacatta, whereof was General one of the Holland Ships named Tervete.

Subscribed William Tailor.

John Benning Master of the Planter, affirms that Capt. Weddal's two ships, viz. the Dragon & Katharine, according to the Invoice, were worth 150000 l. sterling, if they had come to the Port of London, besides Mr. Mountney's Goods valued at 20000 l.

London Anno 1644.

At the Return of Tho. Lamberton, William Page, Tho. Newman, and others, taken in the Bona Esperanza going to China, and brought Prisoners to Malacca, with ten wounded men which lay in the Hospitall, where they found a Stochman lying sick; he upon his dying told to the aforesaid men

of the *Bona Esperanza*, that he could not dye before he had declared that he was at the taking of the *Dragon* and *Katharine*, which were going from India unto the *Cape Bona Esperanza*, by the *Holland* ships, which coming fair by Capt. *Weddall*, and pretending to be bound home, they invited him, with Captain *Carter* and both the *Mountneys* aboard, where having feasted together, Capt. *Weddall*, and his friends were brought upon the Deck, and told they must into the sea, whereupon more words past, & then they were bound Back to Back, and thrown into the sea, those of the *Dragon* and *Katharine* seeing the same, fitted themselves to fight, but were taken, and the Ships robbed, and withall, (the men remaining alive) bored, and let sink into the sea: he told that the same Fleet came to *Malacca* afterward, and the common men were sent for the *Molucca's*, and that well known by many in *Malacca*, but they durst not speak of it. The said *Lamberton* and others asked the Lieutenant of the Town about the same, but he answered, upon their lives they should not speak of such things.

Tho. Lamberton.

A Declaration of some further probable News of the *Dragon* and *Katharine*, Captain *John Weddall*, and Captain *John Carter* Commanders, from the Mouth of Boatswain went I Tho. Henton quondam Chyrurgion of the Ship *Bona Esperanza* employed in the Service of the Worshipful Esquire Courten in Anno 1643. in the Month of August, being by sinister occasion at *Johanna*, in the Ship *Hopewell* of the old Company, at which time also was the *Crispiana* and *Dolphin*. of the old Company, there was also the *Loyalty*, Mr. *John Durson* Commander, belonging to Esquire Courten had these following Relations of the Destruction of the *Dragon* and *Katharine* by the Dutch as followeth;

This Boatswain Went was Boatswain of the good Ship *Dolphin* Mr. Proud Master, in the said year 1643. upon some Employment bound from *Surat* to the Southward, viz. to *Cocheen* a Portugal Town, where, upon what occasions I know not, he had some conference with a Servant of the Governour of *Cocheen* concerning the Dutch, the man told him of a fight at *Ceylon* between the Dutch and English, viz. two English Ships and five Dutch ships, the English named the *Dragon* and *Katharine*, both which the Dutch overcame, sinking the one, and forcing the other on shore, & so eagerly persecuted them, that some of the English having escaped Drowning, and got a shore, the Dutch in their Boats hasted a shore likewise and cut them all off, this Servant to the Governour was in the Dutch ships at that time in their Service, when as they fought, and following the English a shore (he being one among the Dutch) made escape to the Portugalls, and in time came to serve the Governour of *Cocheen*.

This

This is the Relation that I heard Boatswain Went, relate, & indeed I went aboard purposely about the businesse to enquire of him. I required to have the Relation under the Boatswains hand, but I could not obtain it, by reason of the shortnesse of our time, for they suddenly set sail from Johanna; also the Boatswain said, the Governour of Cocheen knows the Matter, and upon inquiry if he pleaseth, can produce you his Servant if he be living, if not, he himself is able to give satisfaction therein. Underwritten

Thomas Hinton.

Duarte Defigueiredo de Mello Secretario de sua Magestade do estado da India certifico que atistindo na ilha de Ceylon soube por algus Prisoneiros Olandeses que se tomarao coms as duas naos do Cap^m Guedal que hia da China para Inglaterra as tomarao os Olandeses os no Cabo doaa Esperanca et as meterao ambas apique Isto tre o que me confitou dos ditos dos ditos prisoneiros, Goa a 22. de Abril de 1647.

Sotto scritto

Duarte Defigueiredo de Mello.

Translated out of the Portuges into English.

I Edward Defigueiredo de Mello Secretary to his Majesty of the State of India, do certifie that being in Commission in the Island of Ceylon, I came to know by some Prisoners of the Hollanders, that they met with two ships of Capt. Weddall which were going from China to England, and that the Hollanders took them towards the Cape of Boa Esperanza and sunk them both; This is what appeared unto me by the relations of the said Prisoners, Goa the 22. of April, Anno 1647.

Was under-written

Duarte Defigueiredo de Mello.

E t

To

To the Right Honourable the COMMITTEE of
LORDS and COMMONS for the Admiralty.

The humble Petition of William Tombes.

Jun. An. 1645.

Sheweth,

That by virtue of an Assignment from William Courten Esq; to Sir Paul Pindar, and from him to your Petitioner, he is become possessor of the Ship the Planter of London late come from the East-Indies, and now in the River of Thames; and your Petitioner being indebted for the Customes of the goods, which were carried in the said Ship, by him, and further promised to see the Master and Mariners wages fully satisfied, before the disposal thereof, hath made sale of the said Ship, whereby the said Customes and Wages might be speedily paid accordingly.

Now so it is, that one Thomas Kynaston hath arrested the said Ship by Writ out of the Admiralty, upon Account of some interest in her, and so hereby your Petitioner is hindered to give present satisfaction for the Customes, and poor Mariners wages, who daily out of their great necessity come upon him for the same: Your Petitioner doth therefore humbly pray this Honourable Committee, that Order may be given forthwith for the sale of the said Ship, for the speedy payment of the Customes, the Master and Mariners wages, due from her; and if she shall produce a greater summe, than the same may remain in Custody for the true Proprietor, when it shall be adjudged in the Admiralty; to which your Petitioner shall submit.

June 13. 1645.

At the Committee of the Lords and Commons for the Admiralty of the Cinque Ports; Ordered, it be referred to the Judge of the Admiralty Court, to do in the Matter prayed, according to Justice, taking Care that the State have right in the Case of Customes, and the Master and Mariners in point of Wages.

Subscribed

Warwick Elfe, Alexander Bence, John Rolles, Giles Green,

July 1. 1645.

Upon Tuesday being the first day of July 1645. The Kynaston against $\frac{2}{3}$ parts of the Ship Planter and her Tackle and Furniture, against William Tombes coming for interest betwixt, Yea and Budd upon this day before Doctor Samuels Judge of the Admiralty Court, in his Chamber in Doctors Commons London, being present Edward Brian Notary Publick, appeared Mr. Budd Proctor for the said William Tombes, and presented to the said Judge The Humble Petition of the said William Tombes, directed To the Right Honourable the Lords and Commons for the Admiralty and Cinque Ports, together with their Order thereupon made, and the said Budd according to the tenour or effect of the said Order, did in the presence of Mr. Yea, Proctor for the said Thomas Kynaston, desire the Judge to decree the said Ship the Planter, and her Tackle and furniture to be exposed by the Marshal of the Court to publick sale, and to be sold to him that offers most, and the Kings Customs and the salaries justly due to the Master and Mariners in the said Ship, to be paid out of the moneys arising from the sale of the said Ship; and he further desired that the residue of the said moneys might remain with the aforesaid Marshal of the Court, until it shall be otherwise Ordered in that behalf from this Court; All which the Judge at his Petition decreed accordingly.

Memorandum, that Mr. Tombes sold the Ship Planter, the Salt Peter, Pepper, and other goods in her, for Sir Paul Pindar's Account in part of the money due to him.

The

The Impost and Excise in the Low-Countryes for the Publique Charge continued since the Union.

| | |
|------------------------------|---|
| <i>Salt.</i> | P ayeth by the Family, according as it is great or small, so much <i>per an.</i> as they are taxed. |
| <i>On Beer for Burghers.</i> | 30 Stivers the Barrel of Beer Brewed in <i>Holland</i> . 34 Stivers the Barrel if Brewed in any other of the United Provinces. 118 Stivers the Barrel if Brewed without the Provinces. |
| <i>Tappers or Retailers.</i> | 2 Stivers <i>per</i> Barrel paid by the Brewer, and 12 Stivers for every Brewing for his Families drinking. 114 Stivers the Barrel if Brewed within the Provinces. 146 Stivers the Barrel if Brewed without the Provinces. |
| <i>On Wine.</i> | 4 Stivers the Stope of <i>French</i> Wine, which is somewhat above a Pottle. 6 Stivers the Stope for <i>Rhenish</i> , <i>Spanish</i> , or other sorts of Wine. Tappers or those that sell Wine by Retail pay double Excise. |
| <i>Vinegar.</i> | 96 Stivers the Ame, which is 40 Gallons <i>English</i> measure. |
| <i>Brandy or Aquavita.</i> | 8 Stivers the Stope if made of Wine. 5 Stivers the Stope if made of Beer or Malt. |
| <i>Corn for Mortgage.</i> | 22 Stivers the Last of Wheat. 25 Stivers the Last of Rye. 36 Stivers the Last of Rape seed, and other small seeds. |
| <i>Tobacco ground.</i> | 63 Guilders 12 Stivers the Last of Wheat or Meslin. 31 Guilders 16 Stivers the Last of Rye. 21 Guilders 4 Stivers the Last of Barley, Oates, and Beans. 12 Guilders 15 Stivers the last of Buck. |
| <i>Butter.</i> | 4 Guilders the Barrel, which contains 330 <i>l.</i> weight. |
| <i>Oyle.</i> | 4 Guilders the But or Pipe. 3 Guilders the Tunne of Train Oyl. |
| <i>Candles.</i> | 1 Stiver the pound if made of Wax. 1 Stiver the pound if made of Tallow. |
| <i>Starch.</i> | 3 Guilders the 100 <i>l.</i> |
| <i>Sops.</i> | 6 Guilders 8 Stivers the Barrel, or Ton, Cake or Castle Sops $\frac{1}{2}$ of a Stiver the pound. |
| <i>Tarffe and Cokes.</i> | 12 Stiver the Barrel or Ton. 18 Guilders the 100 Scales of <i>Scotch</i> Cole, each scale containing 350 <i>l.</i> 48 Guilders the Hood or Chaldron of Seacoles. |
| <i>Fire wood.</i> | The eighth part of whatsoever it cost. |
| <i>Cattel.</i> | Horses three years old and above 2 Stivers <i>per</i> Month. Oxen or Cowes above three years old 3 Stivers <i>per</i> Month. |
| <i>To be killed.</i> | Oxen, Cowes, Calves, Sheep, Lambs, Hogs, Pigs, &c. the seventh part of whatsoever they cost. |
| <i>Fish.</i> | Barrel Fish and Herrings, 20 Stivers the Barrel. Sturgeon, Salmon, &c. the ninth part of what it cost. |
| <i>Fruit.</i> | Of all sorts the Eighth part of whatsoever it cost. |
| <i>Tobacco.</i> | 3 Stivers the pound weight. |
| <i>Pitch and Tarre.</i> | Pitch the Barrel 16 Stivers. Tarre the Barrel 10 Stivers. |
| <i>Cloth.</i> | <i>English</i> white Pack-clothes 6 Guilders the peice. Fine <i>Worcester</i> white Clothes 16 Guilders the peice. |
| <i>Stuffs.</i> | Of low price, one Stiver <i>per</i> peice. |
| <i>Silks of all sorts.</i> | The twelfth part of the value or cost. |

104 *The Case between the Assignes of William Courten*

Tapistry and The Ninth part of the value or cost.

Gilt leather.

Lands and houses.

One sixth part of the yearly value or rent, if it be let, if not the owner pays it by Taxation.

All Arable lands which are sowed, or Orchards planted, pay $2\frac{1}{2}$ Stivers per Acre, every month to be accounted from the time of its sowing untill it be mowed.

Alienation.

Of lands or houses pay the 40 part of whatever they are sold for, as often as they are sold and alienated.

Collateral

Successions or

Legators.

Pay the 20 part of the Inheritance which comes by a fide line if the legacy not given to a pious use.

Servants.

For all men or maid servants, the Masters or Mistresses thereof pay one Gilder *per an.* for every Servant.

Seal money.

Two Stivers for every small seal, and four Stivers for the great, to be set on a Sheer of Paper, and to make this Taxe considerable, it is ordered that all Deeds, Contracts, Wills, &c. of what nature soever that are not so sealed, shall be held as invalid, and no judgement to be given on them in Law.

Weigh house.

All goods whatsoever sold by Weight, to be weighed, whereof there is a set rate what each sort payeth.

The Retailer or Shopkeeper doth compound yearly for this Taxe to prevent the infinite trouble thereof. Which amounteth to an innumerable summe yearly.

Besides all which there are Taxes extraordinary, as often as necessity requireth, whereof the States only are Judges, viz.

The thousand part, sometimes the five hundred, and sometimes the two hundred part of every mans estate rich or poor, whereof none are exempt but such as recieve Alms.

All men are taxed according to common report by the Magistrates of their severall Cities and Towns, and the party grieved at his Assessment declaring upon Oath that his estate is not worth so much shall be relieved.

But its welcome that any make themselves poorer then common report speaks them, for their own credit sake, and this amounts to very much.

Whereby the yearly revenue is made as great as the States themselves please, and render them to considerable, that they think themselves equal with most Princes of Europe.

The repartition what each Province payeth part to a hundred pound.

Gelderland payeth 5-12-3

Holland payeth 58-6-2

Zeeland payeth 9-5-8

Utrecht payeth 5-16-7 $\frac{1}{2}$

Friesland payeth 11-13-2 $\frac{1}{2}$

Overijssel payeth 3-11-5

Groningen payeth 5-16-7 $\frac{1}{2}$

100

XII. Select Articles of the Peace and mutual Commerce between Henry the Seventh King of England and Philip Arch-Duke of Austria and Duke of Burgundy, concluded and Signed at London the 24. of February 1495. Taken from the Original.

Artic. XIII. *Mercatoribus utriusq; Principis usum libere habere.*

Item, Convenit ut supra: Quod mercatores utriusque partis partium predictarum, ac eorum factores, familiares, negotiorum gestores & ministri, nautæ, magistri navium & marinarii tuto & secure morabuntur in regnis, dominiis, terris & patriis Principum predictorum, & eorum utriusque. Nec non in eorum portibus & littoribus cum eorum bonis, navibus & mercantibus quibuscunque absque eo quod ipsi vel eorum aliquis ullam dampnum, injuriam, vel præjudicium aliquod, aliis mercatoribus cujuscunque alterius nationis, aut eorum factoribus, negotiorum gestoribus, ministris, nautis, magistris navium aut marinariis faciant, aut fieri procurent. Et quod mercatores aliarum patriarum nationum, eorum factores, negotiorum gestores, ministri, nautæ, magistri navium & marinarii, mercatoribus & subditis alicujus Principis, Principum predictorum, nullum dampnum, injuriam, vel præjudicium aliquod in locis predictis inferant, aut inferri procurent.

Artic. XIV. *Piscatoribus utriusque Principis subditis tam per mare quam terra liberrime commercium fore.*

Item, Convenit ut supra, Quod Piscatores utriusque partis partium predictarum cujuscunque Conditionis existant, poterunt ubique ire, navigare, per mare secure piscari, absque aliquo impedimento, licentia, seu salvo conductu. Et si contingat aliquos ex Piscatoribus unius partis, per fortunam, tempestatem maris, vim hostium aut alio modo compelli intrare in aliquem portum vel districtum alterius partis; Idem pacifice & amicebilitate recipientur & tractabuntur, solvendo in locis ubi applicabunt jura & teloria prædicta, & ab aliis portibus & locis poterunt libere recidere, & redire cum eorum navibus & bonis, sine impedimento vel contradictione quacunque. Damnum tamen per ipsos Piscatores non committatur fraus neque dolus, seu per eos alius dampnum minime fiat.

Artic. XVII. *Cautio præstanda pro Navibus in Mare existuris.*

Item ad finem, ut Captiones Navium, personarum & bonorum unius partis super alteram de cætero cessent, convenit, concordatum, & conclusum est, quod quandoque aliqua Navis, cujuscunque Indigenæ, unius vel alterius partis partium predictarum, exitura est ab aliquo portu sive districtu Principum predictorum, seu eorum alterius, Majores & Gubernatores Civitatis, Oppidi sive villæ, quibus portus sive districtus hujusmodi adjacent, quibuscunque nominibus, Officiis aut appellationibus eodem Gubernatores censeantur, capiant sufficientes securitates de & pro dominis, proprietariis, possessoribus, magistris, Bursariis & Victuallariis navis hujusmodi, ad duplum valbris navis apparatus, & victualium ejusdem. Quod magister ejusdem Navis, Capitanei, Marinarii, & omnes in eadem Nave existentes, cujuscunque status aut conditionis existant, servabunt pacem erga quoscunque subditos Principum predictorum, & quod nullam eis injuriam seu violentiam in terra, Mari, fluminibus, aut portu aliquo facere vel inferri presumant. Quod si hujusmodi securitatem præstare noluerint, non permittent, imo impediunt expresse ipsos Mercatores & gubernatores navium hujusmodi quocunque modo exire; nisi proprietarii sive Bursarii ejusdem navis Regalem vel Archiducalem licentiam respective suo sub sigillo ejusdem exhibuerint, quod licite cum sua navi, sine ulla cautionis præstatione exire poterint. In quo casu si ipsi sic per Principem suum licentiam, subditos alterius Principis spoliaverint aut damificaverint & solvendo non fuerint, tunc per eundem Principem sic licentiantem plena satisfactio fiet partibus sic damificatis. Quoties autem securitatem præmissam Majores & Gubernatores

bernatores Civitatum, villa-um & oppidorum, unius partis aut alterius exegerint, dabunt literas authenticas sub eorum communi sigillo, proprietariis, possessoribus, magistris seu Burghis illius navis, sic assecurare testificantes ipsius securitatis prætationem, ad finem, ut ipsarum literarum vigore navis huiusmodi, alios, ad quos forsitan applicabit portus, absque nova securitatis prætatione libere exire valeat.

Artic. XIX. *Si Navis ab extraneo capta fuerit in portu Principis.*

Item, Convenitum est ut supra: Quod si aliquæ naves, per aliquem non subditum Principibus prædictis, capte fuerint in portu aliquo aut Franchisiis alicujus Principum prædictorum, tenebitur ille princeps, in cujus portu aut Franchisiis navis illa capta fuerit una cum altero Principe pro restitutione dictæ Navis prosequi, sumptibus tamen & expensis damnificata partis.

Artic. XX. *Non impediunt venientes ab oriente.*

Item, Convenitum est ut supra: Quod nullum præbebitur impedimentum, per unam partem vel alteram, venientibus de partibus Orientalibus, neutri parti inimicis, cum vasis vel Navibus quibuscunque oneratis visibilibus, mercantiis, vel aliis bonis, versus Regna, patrias, dominia, aut terras unius vel alterius Principum prædictorum.

Artic. XXII. *Naves alterius libera tam subditorum habere.*

Item, Convenitum est ut supra: Quod Nauta, magistri Navium & Marinarii, subditi præfatorum Principum, post adventum ipsorum ad portus unius vel alterius Principum eorundem, poterunt libere imponere & ligare eorum Naves tam oneratas & non oneratas, quam ad guerram dispositas, dummodo non fuerint Piraticæ, in eisdem portibus & littoribus eodem modo, quo poterunt ipsius Principis subditi proprii.

Artic. XXIV. *Si Navis naufragium faciat.*

Item, Convenitum est, &c. Quod quoviscunque contingerit, aliquam Navem unius partium prædictarum cum bonis & mercandisiis oneratam, per fortunam tempestatis maris, vel alio casu quocunque tangere terram & naufragium facere, periclitari, aut alio modo quocunque perire, prope portus, limes & costeras, vel in portibus, limitibus aut costeris alterius partis, licet in ipsa navi non remaneat vir, mulier, puer, cattus, canis, vel gallus vivens, bona tamen & mercandisiæ quælibet, quæ ad terram applicabunt, vel aliter servari aut recuperari continger, non propter hoc dicentur confiscata, nec pro confiscatis reputabuntur, sed per Officiarios locorum, in quibus sic casus acciderit, salva & secunda custodiæ committentur, sub eadem sic remansura per annum unum & diem tunc proxime & immediate sequentem. Intra quem terminum si quicquam supervenerit, & si rerum & bonorum ipsorum certum proprietarium fuisse contiterit, res & bona, ipsi sine difficultate vel dilatione aliqua plene restituentur, solvendo tamen iis, quorum opera & diligentia res & bona ipsa recuperata, salvata, & custodita fuerint, rationabiles expensas, & custodibus salarium competens, prout ratio & æquitas postulat.

Artic. XXV. *Mercatores ab extraneo licere domos habere.*

Item, Convenitum est ut supra: Quod Mercatores qui subditi sunt uni Principum prædictorum, poterunt tenere & habere in villis & oppidis alterius Principis domos & habitationes, pro ipsis & rebus suis in libere recipiendis, servandis & exponendis: ibidemque eisdem Privilegiis, libertatibus & Franchisiis, utentur & gaudebunt, quibus ibidem usque & gavisæ sunt ante quinquaginta ann. ultime & immediate præcedentes, adeoque benigne & amicitabiliter tractabuntur in eisdem, sicut alie nationes ipsas villas & patrias frequentantes.

Artic. XXVIII. *De damno illato.*

Item, Convenitum est, &c. Quod quoviscunque contingerit, subditos domini Regis Angliæ & subditos prædicti domini Archiducis, vel subditos ejusdem domini Archiducis & subditos prædicti domini Regis Angliæ, quoquo modo lædi vel damnificari, non debent propterea per literas represaliorum, marca, vel contra marca, aut alia mandata quæcunque (debitis admonitionibus & submonitionibus non præcedentibus) qui damna non intulerunt, ad petitionem damnificatorum, vel alio modo in personis vel bonis arrestari, vel quovis modo impediri aut molestari. Nec guerra ob id fieri vel moveri debet, sed per Principes unius vel alterius partis attentata, ipsa debite reparabuntur,

tur, & in priorem statum reponentur; huiusmodique literæ represaliorum, marca, & contra marca & similia mandata quæcunque, nisi prædictis admonitionibus, quoad ipsas partes; submonitionibus, quoad Principes præcedentibus & legitime factis, deinceps omnino: Et si aliter concedantur, pro nullis habeantur.

Artic. XXIX. *Præterita represalia in suspensio habeantur.*

Item, Conventum est ut supra: Quod omnes & singulæ literæ represaliorum, aut de marca vel contra marca, ex Cancellaria vel alia curia Principum prædictorum, aut eorundem prædecessorum, ad cuiuscunque prosecutionem, vel ob causam quamcunque ante concessæ vel emissæ, in suspensio tenebuntur, nec poterit earum aliqua fieri executio, nisi super earum meritis habita cognitione indicta, ad hoc per ipsos Principes specialiter deputandum, aliter fuerit ordinatum: Et pari modo omnes & singulæ deprædationes & violentæ captiones super mare hinc inde, ante diem Octob. decimum tertium ultimo præteritum factæ, similiter tenebuntur in suspensio: nec poterit super iisdem aut eorum aliqua actio intentari aut admitti. Nec literæ represaliorum dari, nisi super eorum meritis habita cognitione indicta, ad hoc per ipsos Principes specialiter deputandum, aliter fuerit ordinatum.

Art. XXXIII. *Deputati convenient pro sedandis discordiis inter mercatores stapule Calestie.*

Item, Conventum est ut supra: Quod in sedandum & componendum lites, discordias & differentias, inter mercatores stapulæ Calestie & subditos domini Archiducis, stapulam concernentes in villa Calestie, primo die Maij proxime futuro convenient deputati mercatorum utriusque partis: Et casu, quo per ipsos deputatos huiusmodi lites, discordiæ & differentiæ, sedari & componi non possint, fiet relatio Principibus prædictis, qui aliter pro huiusmodi finibus discordiis & differentis sedandis, prout ratio & æquitas dictabunt, providebunt.

Artic. XXXV. *Obligatio Nobilium & Civitatum.*

Item ad securiorem & firmiorem tam amicitiarum quam Mercium Intercursus observantiam, præfatus dominus Rex per suas literas mandatum dabit Speciale, Reverend. in Christo patri domino Ioanni Cardinali, Cantuariensi Archiepiscopo, & Apostolica sedis legato, Reverendiss. in Christo patribus, D. Richardo Dunelmensis Episcopo, custodi privati sigilli; D. Thomæ Wintoniensi Episcopo; Ioanni Dinham, Domino Dinham, Thesaurario Angliæ; Thomæ domino Marchioni Dorset; Ioanni Comiti Oxoniensi, magno Camerario; Edmondo, Comiti Suffolk; Thomæ Comiti Arundel; Thomæ Comiti Derby; Georgio Comiti Salisburie; Ioanni Wallis Vice Comiti Dabiney, Egidio, Domino Dabiney, Ioanni Priori domus sancti Ioan. Jerusalem in Angliæ: Nec non Majoribus, Ballivis Civitatum ac Oppidorum sequentium sit supra, Londinum, Eboracum, Briggollum, Wintonium, Cantuaria, Rochestria, Southampton, Santwichum, Doberium, Linna, Dertmouth, Plimouth, Hulla, Winchelsea, Bostonia, Yarmouth & Bervicum: Quod se obligabunt & quilibet eorum se obligabit, in formam sequentem: *Omnibus Christi fidelibus hæc literæ inspecturis, visuris & audientis*, Ioannes Cardinalis Archiepiscopus Cantuariensis; Rich. Dunelmensis Episcop. Thomas Winton Episcopus; Ioannes Dynham; Thomas Marchio Dorset; Joannes Vicecomes Oxoniensis, Edmundus Comes Suffolk, Thomas, Comes Arundel, Thomas, Comes Derby, Thomas, Comes Salisbur. Joann. Welles, Vicecomes; Egidius Dabiney, Ioannes, Prior domus sancti Ioan. Jerusalem in Angliæ: Nec non Majores, Ballivis Villarum seu Oppidorum de Lond. Eborac. Bristol. Winton, Cantuar. Rochest. Southampton, Sandwich, Dover, Linne, Dartmouth, Plimouth, Hulle, Winchelsea, Boston, Yarmouth & Berwick, *salutem in domino sempiternam*. Cum inter illustr. Principem Henricum, Dei gratia, Angliæ, Franciæque Regem, & dominum Hiberniæ, ex una, & Sereniss. Principem Philippum Dei gratia Austriæ Archiducem, Burgundiæ Ducem, &c. ex altera parte, quidam amicitiarum, intelligentiarum, & mercium intercursus, Mercatorumque communicatio, ac alia etiam eosdem Principes, & subditorum suorum, Regnorum patriarumque utilitatem concernentia, tractatus & fœdera, data 24 die mensis Februarii anno Domini 1495. Londini inita, conventa, conclusa, & finaliter determinata fuerint, quos quidem tractatus amicitiarum & mercium Intercursus, vidimus & intelleximus & hic pro insertis habere volumus: Novētis nos præfatos Joannem Cardinalem, Archiepiscop. Cantuar. Richar. Dunelmens.

ment. Episcopos, &c. Et Majores, Ballivos Villarum sive oppidorum predictorum, ad Requestam & Mandatum prefati domini Regis, ac suarum literarum nobis in ea parte directarum & deliberatarum, quas hic pro insertis habere volumus, contemplatione, in bona fide promississe, ac nos & quemlibet nostrum heredes & successores nostros, prefato Illustris. Principi Philippo, Archiduci Austriz, Duci Burgundiz, &c. ejusque heredibus & successoribus, sub hypotheca & obligatione omnium bonorum nostrorum presentium & futurorum obligasse, sic que per presentes, promittimus & obligamus, quod effectualiter procurabimus, instabimus, ac quantum in nobis erit efficiemus, Quod idem dominus Rex, ejusque heredes & successores, omnia & singula predicta, tam amicitiarum quam mercium intercursum, omniaque & singula in eisdem contenta & specificata, bene & fideliter tenebunt, observabunt & adimplebunt, ac per nos subditos, Vassallos, quantum eos concernit, ac in posterum concernet, bene & fideliter facient teneri, observari & adimpleri, & in contravenientes justitiam ministrabunt, seu ministrari facient. In cujus rei testimonium, &c. Et pari modo Illustris. Dux, Archidux, per suas literas mandatum dabit speciale, Reverend. in Christo patri & domino Henrico de Bergis, Episc. Cameracensi, Carolo de Croy, Principi de Chimay, Philippo de Burgundia, domino de Bevrès, Joanni, domino Egmondo, Gubernatori Hollandiz, Wilhelmo de Croy, domino de Chievre, Antonio de Rellin, domino de Emery, Baldovino de Lannoy, domino de Molenbays, Francisco de Busleyden, domino propositio Leodiensi, & sancti Donatiani, ac Joani de Tinare, Denteville domino Capiteano de Brugia, nec non Burgimagistris Villarum seu oppidorum de Gandavo, Brugia, Ypres, Dunkercke, Nieuport, Antverpia, Berges, Dordrecht, Delft, Leyden, Amstredam, Middelborch, Zierikzee, Vere, Mechlinia, & Bruxella & Brissa, quod se obligabunt, & quilibet eorum se obligabit, secundum vim, formam & effectum obligationis predictæ, mutatisque in ea parte mutandis. Quas quidem omnes & singulas obligationes, modo & forma prænissis, conceptas, 17. die Maij proxime futura idem Illustrissim. Rex Angliz in Ecclesia beata Marie Virginis Caseliz, deputato vel deputatis dicti domini Archiducis traderet, deliberabit, & tradi & deliberari faciet. Et pari modo Illustrissim. Dominus Archidux omnes & singulas obligationes, modo & forma prænissis, conceptas, 17. die Maij predicto, in Ecclesia predicta, deputato, vel deputatis ejusdem Regis, traderet & deliberabit, aut tradi & deliberari faciet.

One and Twenty Select Articles of the Treaty of Peace between the Crowns of France and Spain, concluded and Signed upon the Confines of the Pyrenean Mountains the 7th of November 1659. Translated from the Original.

That all Enmity or Misunderstanding shall be forgotten by either parties, upon occasion of the present War.

Art. IV. **A**LL occasions of enmity or misunderstanding, shall remain extinguished and for ever abolished: and whatsoever hath been done, or hath happened, upon occasions of the present War, or during the same, shall be put into perpetual oblivion: so that for the future, of neither side, neither directly nor indirectly, shall any inquiry be made for the same, by Justice, or otherwise, under any pretence whatsoever: nor shall their Majesties, or their Subjects, Servants, or Adherents of either side, shew any manner of remembrance of any offences or damages suffered during the War.

That the Subjects of both sides shall have liberty to trade in one anothers Countries without any Lets or molestations.

Art. V. By means of this Peace and strict amity, the Subjects of both sides, whatsoever, shall have liberty, they observing the Laws and Customs of the Country, to goe to and fro, to dwell, trade and return into one anothers Country, Merchandizing, or as they shall

shall think best, both by Land and by Sea, or any other Fresh waters, to treat and trade together: and the Subjects of the one shall be maintained and protected in the others Countreys, as their own Subjects, paying reasonably the Duties in all accustomed places, and such others, as by their Majesties and their Successors shall be imposed.

Priviledges mutually granted in each others Dominions.

Art. VI. The Towns, Subjects, Merchants, and Inhabitants of the Kingdoms, Dominions, Provinces, and Countreys belonging to the most Christian King, shall enjoy the same Priviledges, Franchises, Liberties, and Surreies, in the Kingdoms of Spain, and other Kingdoms and Dominions belonging to the Catholick King, as the English have by right enjoyed, by the last Treaties made between the two Crowns of Spain and England; and no greater Duties or Impositions shall be exacted of the French and other of the most Christian Kings Subjects, either in Spain, or any where else, within the Lands or other places of the Catholick Kings obedience, than have been paid by the English before the breach, or then are paid at this time, by the Inhabitants of the United Provinces of the Netherlands, or any other strangers that shall be there, the more favourably increased. The same shall be done, within the whole extent of the obedience of the said Lord the most Christian King, with all the Subjects of the said Lord the Catholick King, of what Countrey or Nation soever they be.

The penalty of transporting prohibited goods.

Art. VII. In consequence of this, if the French, or any other of his most Christian Majesties Subjects, are found in the said Kingdoms of Spain, or upon the Coasts thereof, to have shipped, or caused to be shipped upon their Vessels, in what manner soever it may be, any prohibited goods, to transport them out of the said Kingdoms, the penalty shall not extend further then hath been heretofore practised, in such cases, towards the English; or then it is, at this time practised towards the Hollanders, in consequence of the Treaties made with England or the United Provinces: and all Inquiries or Processes hitherto made, about the same, shall remain null and be extinguished. The same shall be observed towards the Towns, Subjects and Inhabitants of the Kingdoms and Lands belonging to the said Lord the Catholick King, who shall enjoy the same Priviledges, Franchises, and Liberties, throughout all the Dominions of the said Lord the most Christian King.

The form and manner of exhibiting Passes and Dockets as to the Spanish Ships.

Art. XIV. That the Ships and Barques, with the Merchandises belonging to the Subjects of the Lord, the most Christian King, being come into any Haven of the Lord Catholick King, where they used to come and trade before the present War, and being willing from thence, to pass unto the Ports belonging to the said Enemies, they shall only be bound to shew to the Officers of the Spanish Port, or of any other of the said Lord and Kings Dominions, from whence they are to go, their Passes, containing the specification of the loading of their Ships, attested and marked with the ordinary hand and seal, and acknowledged by the Officers of the Admiralty of the places from whence they came first, with the Declaration of the place, for which they are bound; the whole in the Ordinary and accustomed Form. After which exhibiting of their Passes, in the form aforesaid, they shall not be disturbed or molested, detained nor retarded in their voyages, under any pretence whatsoever.

Passes as to the French Ships.

Art. XV. The same shall be done, as to the French Ships and Barques that shall go into any Roads of the Catholick Kings Dominion, where they used to trade before the present War, and shall be unwilling to enter into the Harbours, or being arrived there, yet will not unlade or break Bulk; who shall not be obliged to give any account of their Lading, but only in case of suspicion, that they are carrying any contraband Goods unto the enemies of the said Lord the Catholick King, as aforesaid.

Passes to be shown upon great Suspicion.

Art. XVI. And in the said case of apparent Suspicion, the said Subjects of the most Christian King shall be obliged to shew in the Ports their Passes, in the form above specified.

Passes to be shown to the Spanish by the French in the Roads or the open Sea.

Art. XVII. But if they be entered into the Roads, or be met in open Sea by any of the said Lord the Catholick Kings ships, or by private Men of War of his Subjects; the said Spanish Ships,

Ships, to avoid all kind of disorder, shall not come nearer to the French, then the reach of the Cawbe, and shall have power to send their cock boat or shallop aboard the said French Ships or Barques, and to take two or three of their men only to go into them, to whom shall the Passes be shewed by the Master or Patron of the French Ship, in the manner aforesaid; according unto the Form that shall be inserted at the end of this Treaty; whereby it might appear, not only of their sailing, but also of the place of their abode and residence, and of the name both of the Master and Patron, and of the Ship it self: That by those two means it may be known whether they carry any prohibited goods: and that it may sufficiently appear, both of the quality of the said Ships, and of the Master and Patron; unto which Passes and Sea Letters, full Faith and Credit shall be given. And to the end their validity might be the better known, and that they might not, in any wise be falsified and counterfeited, there shall be given in, certain marks and subscriptions of both the said Lords and Kings.

Contrabanda, Merchandize confiscated.

Art. XVIII. And in case there be found in the said French Vessels and Barques by the means aforesaid, any Merchandizes and Commodities, before declared to be prohibited and contrabanda, the same shall be laden, denounced and confiscated before the Judges of the Admiralty of Spain, or any other Competent Judges, yet for all that, neither the Ship and Barque, nor any other of the lawful and permitted goods, Merchandizes and Commodities found therein, shall in any wise be seized on or confiscated.

Free Trade and Commerce mutually enjoyed.

Art. XX. All the Subjects of the said Lord the Catholick King shall mutually enjoy the same Rights, Liberties and Immunities in their Trade and Commerce, within the Ports, Roads, Seas and Dominions of his most Christian Majesty. And what hath been aforesaid, that the Subjects of the said Lord, the most Christian King, shall enjoy in his Catholick Majesties Ports, upon open Sea, ought to be understood, that the equality shall be mutual, in all manner, on both sides, even in case hereafter the said Lord the Catholick King, should happen to be at peace, amity and neutrality with any Kings, Princes and States, that should become the Enemies of the said Lord the most Christian King; each of both the parties being mutually to use the same conditions and restrictions expressed in the Articles of the present Treaty, concerning the trade and commerce.

Further provision against Frauds and Inconveniencies in Trade and Commerce.

Art. XXI. In case, of either side, there happens any contravention to the said Articles, touching the Commerce, by the Officers of the Admiralty of either of the two Lords and Kings, or any other person whatsoever, the complaint thereof being addressed by the interested Parties, unto their Majesties themselves or their Councils for the Navy, their said Majesties shall presently cause the damage to be repaired, and all things to be executed in the manner aforesaid. And in case, in progress of times, any frauds or inconveniencies should be discovered touching the said Commerce and Navigation, not sufficiently provided against by the aforesaid Articles, new ones shall be added thereto, of such other precautions, as shall be thought convenient on both parts: The present Treaty remaining yet, in the mean while, in its force and vigor.

Speedy Justice to be done to Foreigners.

Art. XXII. All Goods and Merchandizes arrested in either of the Kingdoms, upon the Subjects of the said Lords and Kings; at the time of the Declaration of War, shall be uprightly and bona fide restored to the Owners; in case they be found in esse, at the day of the publication of the present Treaty. And all Debts contracted before the War, which upon the said day of the publication of the present Treaty, shall be found not to have been actually paid unto others, by vertue of Judgements given upon Letters of confiscation or Reprisal, shall be bona fide acquitted and paid: And upon the demands and pursuits that shall be made about them, the said Lords and Kings shall give order unto their Officers, to render as good and speedy Justice unto the Foreigners, as unto their own Subjects, without any distinction of persons.

Actions to be tryed when they first begun or did arise.

Art. XXIII. The actions that have been heretofore, or shall hereafter be intended before the Officers of the said Lords and Kings, for Prizes, Spoils, and Reprisals, against such as are not Subjects to the Prince, in whose jurisdiction the said actions shall have been intended or begun, shall, without any difficulty, be returned before the Officers of the Prince, whose Subjects the Defendants shall be.

Six Months time given in case of War to transport persons and goods.

Art. XXIV. And the better to secure for the future, the Commerce and Amity between the Subjects of the said Lords and Kings, for the greater advantage and commodity of their Kingdoms, it hath been concluded and agreed, That there hapning hereafter any breach betwixt the two Crowns (which God forbid) six months time shall alwayes be given to the Subjects on both sides, to retire and transport their persons and goods; where they shall please: which they shall be permitted to do, with all liberty, without any hinderance; and during that time there shall be no seizure made of their said goods, much less their persons arrested.

Advocates and Proctors to be Assistant to either party that retains them.

Art. XXV. The Inhabitants and Subjects of either side, shall every where within the Lands of the obedience of the said Lords and Kings, make use of such Advocates, Proctors, Notaries, and Solicitors as they shall please; whereunto also, they shall be committed by the ordinary Judge; when need shall be, and when the said Judges shall be desired so to do. And it shall be lawful to the said Subjects and Inhabitants of both sides, to keep in the places of their abode, the Books of their trade and correspondence, in such a Language as they shall like best, either French, Spanish, Flemish, or any other, without falling thereby into any molestation or trouble.

Consuls appointed for Commerce in both Nations.

Art. XXVI. The said Lords and Kings shall have power for the commodity of their Subjects trading in one anothers Kingdoms and Dominions, to settle some Consuls of the same Nation of their said Subjects, who shall enjoy the Rights, Liberties, and Immunities belonging to their exercise and employment: And that establishment shall be made in such places, where with a mutual consent, it shall be thought necessary.

Letters of Marque and Reprisal in case of injustice.

Art. XXVII. All Letters of Marque and Reprisals that may have been formerly granted, for what cause soever shall be suspended; and none shall be granted hereafter by either of the said Lords and Kings, to the prejudice of the Subjects of the other, unless in case of a manifest denial of Justice only; whereof, and of the Summons made about the same, such as shall sue for the said Letters, shall be bound to bring good proofs according to the form and manner required by the Law.

Overtures made by the King of France concerning the Kingdome of Portugal.

Art. LX. Although his most Christian Majesty hath never been willing to engage himself; notwithstanding the pressing instances made to him heretofore, backed even with very considerable offers, not to make the Peace without the exclusion of the Kingdom of Portugal, because his Majesty hath foreseen and feared least such an Engagement might be an insurmountable obstruction to the conclusion of the Peace, and might consequently, reduce the two Kings to the necessity of a perpetual War; Yet his said most Christian Majesty wishing with an extreme passion, to see the Kingdome of Portugal enjoy the same quietnesse, which so many Christian States shall get, by the present Treaty, hath for that end, proposed a good number of parties and expedients, such as his Majesty thought might be satisfactory to his Catholick Majesty; among which, though as aforesaid his Majesty was no way engaged in that Affair, his Majesty hath even gone so far therein, as to be willing to deprive himself of the principal fruit of the happinesse and successe his Arms have had, during the course of a long War, offering, besides the places his Majesty doth now restore by the present Treaty, unto his Catholick Majesty, to restore yet unto him all the rest of the Conquests generally made by his Arms during this War, and wholly to restore the Prince of Conde; Provided and upon that condition that the affairs of the Kingdoms of Portugal should be left as they are now: which his Catholick Majesty having refused to accept, but only offering that in consideration of the mighty Offices of the said Lord the most Christian King, he would give his consent for setting all things in the said Kingdom of Portugal, in the same state they were afore the change arrived there in the Month of December, in the year 1640. pardoning and giving a general Amnesty for all what is past, and granting the reestablishment into all Estates, Honors, and Dignities, to all such, without distinction of persons, as returning under the obedience of his Catholick Majesty, shall put themselves again in posture to enjoy the effect of the present peace: At length, in conside-

ration of the peace, and considering the absolute necessity his said most Christian Majesty hath been in, to perpetuate the War by breaking off the present Treaty, which his Majesty found to be ungroundable, in case he would have any longer insisted upon the obtaining, upon that affair, of his Catholick Majesty, other conditions then such as he offered, as aforesaid: And his said most Christian Majesty willing to prefer, as it ought to be, and is most just, the general quietnesse of Christendom to the particular interest of the Kingdom of Portugal, for whose advantage, and in whose behalf, his said Majesty hath never omitted any thing of what depended of him, and did lie in his power, even to the making of such great offers as aforesaid. It hath been at length concluded and agreed between the said Lords and Kings, that there shall be granted unto his most Christian Majesty, in space of three moneths time, to begin from the day of the exchanging of the Ratifications of the present Treaty, during which his said Majesty may send into the said Kingdom of Portugal, to endeavour so to dispose things there, and to reduce and compose that affair, that his Catholick Majesty may remain fully satisfied. In which three moneths being expired, if his said most Christian Majesty's cares and offices have not had the desired effect, his said Majesty will no further trouble with that affair, and doth oblige and engage himself and promise upon his Honour, and in the word of a King, for himself and his successors, not to give unto the said Kingdom of Portugal, either in general, or to any person or persons in particular, of what dignity, state, condition, or quality soever they be, now or hereafter, any help or assistance, publick or secret, directly or indirectly, of Men, Arms, Ammunition, Victuals, Ships, or Money, upon any pretence, nor any other thing whatsoever, by Sea or by Land, nor in any other manner. As also, not to suffer any letters to be made in any parts of his Kingdoms and Dominions: nor to grant passage to any that ought come from other States, to the assistance of the said Kingdom of Portugal.

The King of France and Spain interposing with the Pope, on the behalf of the Duke of Parma, for discharging the Debts due to the Apostolical Chamber.

Art. C. The two Lords and Kings upon the like consideration of plucking up the seeds of all differences, that might trouble the peace of Italy, have also concluded that they will jointly interpose, sincerely and pressingly, their Offices and Supplications towards our holy Father the Pope, until they may have obtained of his Holiness, the grace which their Majesties have so often demanded of him singly, in the behalf of the Duke of Parma, that he may have power to discharge, at several convenient intervals of time, the debt he hath contracted to the Apostolical Chamber by like intervals; and that by that means, and with the engaging or alienating of part of his Dominions of Castro and Ronciglione, he may find such monies as are necessary unto him for the preservation of the rest of his Dominions. The which their Majesties do hope of the goodness of his Holiness; no less by the desire he will have to prevent all occasions of discord in Christendome, then by his disposition to Favour a House so well meriting of the Holy Apostolical See.

The chief Allies comprehended in this Treaty on the French Part.

Art. CXXII. Besides the Duke of Savoy, the Duke of Modena, and the Prince of Monaco, who, as Allies of France, are of the chiefest Contractors in this Treaty, as aforesaid, by the common consent of the said Lords the most Christian and Catholick, shall be comprehended in this Peace and Alliance; if they will be comprehended therein, on his most Christian Majesty's part, first, Our Holy Father the Pope, the Holy Apostolical See, the Electors and other Princes of the Empire, Allies and Confederates with his Majesty for the maintaining of the Peace of Munster, viz. the three Electors of Mentz, Colen, and the Count Palatine of the Rhine, the Duke of Newburg, the Dukes Auguste Christiane, Lewis and George William of Brunswick and Luneburg, the Landgrave of Hessen-Cassel, and the Landgrave of Darmstat, the Duke and the Seignior of Venice, and the Thirteen Cantons of the League of Switzerland, and their Allies and Confederates and all other Kings, Potentates, Princes and States, Towns and particular persons, to whom his most Christian Majesty, upon a decent requisition made by them for it, will grant on his part, to be comprehended in this Treaty, and will name them, within a year after the publication of the Peace, unto his Catholick Majesty, by a particular declaration, to enjoy the benefit of the said Peace, both by the aforementioned, and by such as his Majesty shall name within the said time: their Majesties giving their Declaratory and Obligatory Let-
ters

ters, required in such case respectively; and the whole with an expresse Declaration, that the said Catholick King shall not have power, directly, nor indirectly to molest, by himself, or by others, any of those, who on the said Lord the most Christian Kings part, have been above, or hereafter shall be comprehended by a particular Declaration: and that if the Lord the Catholick King hath any pretensions against him, he shall onely have power to prosecute him by right, before competent Judges, and not by force, in what manner soever it may be.

The Allies on the Spanish Account.

CXXIII. And on the said Lord the Catholick Kings part, shall be comprehended in this Treaty (if they will therein be comprehended) our holy Father the Pope, the Apostolical See, the Emperor of the Romans, all the Archdukes of Austria, and all the Kings, Princes, Republicks, States and particular Persons, who, as Allies of this Crown, were named in the Treaty of Peace made at Vervins, 1598. and who shall have preserved, and do at this day preserve themselves in that Alliance. To whom are added now the United Provinces of the Low Countries, and the Duke of Guattale; as also, shall be comprehended all such others, as by common consent of the said Lords and Kings, shall be named within a year after the publication of the present Treaty, to whom, as also to the aforementioned if they desire it in particular, Letters of Nomination respectively Obligatory shall be given to enjoy the benefit of the said Peace, and with expresse Declaration, That the said Lord, the most Christian King, shall not have power, directly nor indirectly, by himself, or by others, to molest any of them: And if he hath any pretensions against them, he shall have power only to prosecute them by Right before competent Judges, and not by Force.

Mr. John Darrel's deposition before one of the Masters of Chancery, concerning the Dutch Agreement with the Portugals in 1644.

I John Darrell of the Parish of St. Giles Cripple-gate in London Merchant: Aged about Sixty and six years, deposeth and saith, That he, the said John Darrell was at Goa, a Portugal City in East-India, in the employment and service of William Courten Esq; in the Month of January 1644. old stile, and that on the 25. day of the said month, being Saturday, a Dutch Ship bound from Surra to Batavia, came and Anchored without in the road of Goa, and that four or five Dutch-men came then a shore to the English, or Factory there, and related to Mr. Courten's Agent, John Farren, and to this Deponent, that upon an Agreement made between the Dutch, and the Viceroy of Goa, they were to pay unto the Portugals the summe of One hundred thousand Rials of Eight, Spanish, for satisfaction of the Portugal goods taken in the Ship Bona Esperanza, bound for Maccao in the Employment of Mr. Courten and others; and that twenty thousand of the said Royals should be detained for Mr. Courten towards his damages, although it were not so expessed or agreed: And this deponent further saith, that on the next day being Sunday and the 26. of January one Senior Vander-fell being chief of the Dutch Factory at Vingterly neer Goa, with three others, and a Churchman, came to the said City of Goa, and visited the said John Farren, and this Deponent at the English house there, and brought with them Fifty thousand of the said Rials, to pay unto the said Portugal Merchants, according to the agreement with the Viceroy aforesaid; and said moreover, that they had Order from the Governour and Council of Batavia, to defalk and detain Twenty thousand Rials towards satisfaction of the English, interested in the Bona Esperanza; and that they had likewise order to present Mr. Farren, Mr. Courten's Agent, with a considerable summe of money, to procure an accommodation and compofure of the difference with the persons interested in the same, but further cannot depose.

John Darrell.

Sworn this 14 of March 1661. before Sir Nathaniel Hobart one of His Majesties Masters of Chancery in the 14 Year of the Reign of King Charles the Second.

H h

Nat. Hobart

The Deposition of Tho. Newman Merchant, taken upon Oath the 28. of January 1662. before Sir Walter Littleton Knight, Dr. of Laws, and one of the Masters in Chancery.

Thomas Newman of the Parish of St. Botolph Aldgate in London Merchant, Aged Forty seven years or thereabouts, maketh Oath, that he, the said Deponent, was Cape-Merchant, and Factor of the Cargazone, in the Ship Bona Esperanza, belonging to Mr. William Courten late of London Merchant, and others; And that he, this deponent in the year of our Lord 1643. making a Trading Voyage from Goa to Maccas, was violently taken by the Dutch East-India Companys Ministers in the Straits of Malacca, to his own particular damage at that time the Sum of 1400 l. sterling; and saith, that to his own knowledge the several Depositions of Robert Gray, Andrew Wetton, Francis Hill, Richard Smith, Richard Wheeler, William Page, and Thomas Lamberton, since deceased, are all in substance true, he the said Deponent being an eye-witness therof, and long acquainted with the trade of India and parts adjacent; and this Deponent saith, that after the Dutch Men of War had violently seized the said Ship, murdered the Master and several of the Mariners, wounded eleven others, and taken both the Portugals and English goods out of her, being a good new Ship and well built, took the said Ship, with the Guns, Ammunition and Provision to Goa, to the rest of their Fleet, and carried him, this Deponent, with Captain William Gurley Captain of the said ship, and the Mariners, to Malacca, where they were all detained Prisoners for the space of six months, and very inhumanely used, and afterwards sent to Batavia; and this Deponent saith, that Captain Gurley with grief for his losses and ill usage, as he was bound for England in the year 1644. died in a Dutch ship called the Whale Fish, whereof the Heere Caune was Commander, who sold all his Clothes, and some Jewels that he had at the Main Mast, amongst the rest, he this Deponent offered 250 Guilders for a Diamond Ring, but could not have the same, which were all converted to the use of the said Caune as this Deponent believeth. And this deponent further saith, That as to the 2750. l. sterling, left at Maccas, in a former voyage, being to remain upon agreement there for the space of three years, (for several privileges granted in Paris and Trade) and provided that if Mr. Courten and Company sent any other Ship and Merchandizes thither within that time then the said 2750 l. should be paid to the said Courten, in China goods at price currant, otherwise the said money to be lost: And this Deponent saith, that he, this Deponent, and Captain Gurley received Orders and Instructions from John Farren President for Mr. Courten at Goa, concerning the same, to act therein accordingly; but the Dutch having taken away all their Chests, with Papers and Writings, and disappointed them of their Voyage, whereby the said money was lost: And this deponent saith, that by reason of the said spoils and violence committed by the Dutch, Mr. Courten's Factories at Atcheene, Batacalla, Rajapore, Goa, Carwer, and Vizapore, were disappointed of relief and reputation, whereby they were forced to sell off what they had, for their own subsistence: But as to the particular damages of the 72000 l. sterling of Mr. Courten and Company, in the loss of their Goods, and the intended voyage to Maccas as aforesaid, he this Deponent referreth himself to the depositions taken in his Majesties High Court of Admiralty as aforesaid.

Thomas Newman.

Mense Januar. 28. Anno 1662.

Jurat coram me Walter Littleton Milite. Legum Doctor uno Cancellar. Magistr.

Walter Littleton.

A Catalogue of their Names who by their Subscriptions
are Capable of being chosen COMMITTEES
of the East-India Company in England, for the
Year 1662.

A Sir Tho. Allen Kt. & Bar.
Sir Joseph Ash Kt. & Bar.
Daniel Andrews Esq;
George Arnold Esq;
Thomas Arnold Esq;
Joseph Alstone
William Atwood
Francis Ash
Francis Archer
William Allington
William Allen
John Adrian
Thomas Allen
Benjamin Albyn
Capt. William Asbly.

B George Lord Berkley
Sir Job. Brownloe Kt. & Bar.
Sir Fran. Baret Kt. & Bar.
Sir William Bateman Kt.
Sir John Banks Kt.
Sir Thomas Bladworth Kt.
Sir Theoph. Biddulph Kt.
Sir Anthony Bateman Kt.
John Barchurst Alderman
Thomas Barnes Esq;
Thomas Bewly Esq;
Robert Baret Esq;
Edward Bole Esq;
Benjamin Barron Esq;
Francis Bickley Esq;
Thomas Bromfield Esq;
Edward Backwell Esq;
Capt. Arthur Bayley
Capt. John Brookhoven
Richard Boylstone
James Burton
John Berrioford Senior
Henry Boone
Thomas Bretton
Nathaniel Barnadiston
Thomas Blackerby
Michael Best
Abraham Babington
Richard Booth
William Bulkeley
Humphry Broome
George Blake
Henry Barnard

Capt. James Burkin
Richard Beckford
Samuel Barnadiston
Christopher Beone
John vanden Bergh
Thomas Bell
Robert Beake
Edwin Browne
Aaron Baker
Timothy Baldwin
Charles Browne.

C Sir Thomas Chambrelan Kt.
Thomas Culling Esq;
Richard Chiverton Alderman
Thomas Culwin Esq;
Richard Clusterback Esq;
Henry Chowne
James Clitheron
Benjamin Coles
Francis Clark
John Chervall
John Child
George Chandler
Robert Clarkson
Thomas Chamber
Peter Culley
Robert Cranmer
William Clark
Francis Clark
Samuel Crisp
Joseph Collier
Humphry Cliffe
John Cudworth
Josiah Child
Thomas Caine
Thomas Canham
Robert Childcott
Nathaniel Collier
Joseph Colestone
Ellis Crisp
Robert Callow
Benjamin Collier

D Sir James Drax
Sir John Dethick Kt.
John Duckensfield Esq;
John Dickens
Michael Davison

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- | | |
|------------------------------|-------------------------------|
| Josias Dewey | James Honblon Junior |
| Richard Dewide | I John Tollife Esq; |
| Francis Daffwood | Arthur Ingram Esq; |
| John Dogget | Thomas Luxon |
| Edward Dudson | Abraham Jaggard |
| Robert Dawes | Robert Ingram |
| William Drax | Edward Jackson |
| Giles Dunstar | Nicholas Juxon |
| Edward Dallow | Phillip Jackson |
| Peter Daniell | |
| E James Edwards | K Sir Jonathan Keate Kt. |
| Robert Ellis | Thomas Kindal |
| | Francis Knight Esq; |
| F Sir Thomas Foot Kt. & Bar. | Robert Knightly |
| Sir John Frederick Kt. | Randall Knipe |
| Sir Richard Ford Kt. | |
| Edward Franklin | L Phillip Lord Viscount Lisle |
| Thomas Fox | Sir John Lewis Kt. |
| Simeon Fincham | Sir John Lawrence Kt. |
| | Sir Peter Leere Kt. |
| G Sir Nicholas Gould Baronet | Robert Lant Esq; |
| Sir Jacob Gerrard Kt. | William Love Esq; |
| Thomas Gower Esq; | Jarvis Lock |
| John Godsell | Stephen Langham |
| George Gosfreight | Godfrey Lee |
| Maurice Githen | James Leever |
| William Gometdow | John Leithulier Junior |
| Robert Giffery | Peter De Lanoy |
| John Gould | Richard Lant |
| | Thomas Lenthall |
| H John Herber Esq; | Thomas Lewis |
| Thomas Hussey Esq; | William Lant |
| Matthew Holworthy | Thomas Leitchmer |
| Edmond Harrison | William Lowfield |
| Henry Hampson | Anthony Luther |
| John Hobby | Thomas Lucas |
| Nathaniel Herne | John Lane |
| Roger Hatton | Thomas Langham |
| John Harris | |
| Richard Hutchinson | M Sir James Modyford Kt. |
| Abraham Hovener | Tempest Milner Alderman |
| Walter Hampton | Richard Mountony |
| Rogland Hill | John Mascall |
| Dierick Host | William Meggs |
| Edward Hopegool | William Moyer |
| William Harrington | Thomas Martin |
| Capt. Nicholas Hartsforn | John Mews |
| William Hooker | Barnabas Meere |
| Thomas Hawkes | John Moore |
| Robert Handson | Charles Mawriscoe |
| Henry Hunter | Lawrence Martell |
| James Hublon Senior | Elias Morais |
| Tobiah Harvey | |
| Thomas Hemley | N William Northy |
| Humphry Holcomb | Humphry Nicholson |
| | James Noell |

O Collonel John Owen
David Ogber junior
Capt. John Owen

P William Peake Alderman
Charles Pitfield Esq;
Walter Pell Esq;
Richard Poulter
Thomas Puckle
Anthony Philp
Thomas Papillon
Edward Pearce
Samuel Phelps
John Parry
John Page
William Potter
Thomas Pearle
Thomas Plampin
Paul Priault
William Parker
Christopher Penn
George Perryer

R Sir Andrew Riccard Kt.
Sir William Rydet Kt.
Sir John Robinson Kt.
Richard Reeves Alderman
John Ramsey Esq;
Thomas Roberts
William Robinson
Thomas Rich
Edward Rodden
Daniel Rowlinson

S Sir George Smith Kt.
Jacob Sirange
Henry Sparston
Richard Spencer
John Sweeting senior
James Smith
James Scanier
Abraham Sayon
William Sherrington
James Smith senior
John Smith
James Southby
Richard Sherbrook
Francis Sone
Thomas Stock
Richard Slany
Simon Snow
Matthew Sheppard junior
Henry Sayer
Roger Scattergood
George Snell

T Sir William Thomson Kt.
Maurice Thomson Esq;
Charles Thorold Esq;
Richard Thorowgood
Thomas Tomlins
Henry Tulce
Leofry Thomas
Capt. William Thomas
Giles Travers
Collonel George Thomson
Major Robert Thomson
Stephen Thornley
George Take
Francis Tryan
John Turner
Robert Thurstle
John Tivell
Edward Tidecomb
Richard Turner
Thomas Tye
John Thomson

V Sir William Vincent Kt.
Sir Thomas Vynar Kt.
William Vannam Esq;
Nicholas Vanacker
Peter Van de Putt

W Sir Stephen White Kt.
Francis Warner Alderman
Rowland Wynn Esq;
Richard Waring Esq;
Edward Wood Esq;
William Williams Esq;
Thomas Winter
Samuel Wilson
Thomas Waring
Henry Whittingham
Edward White
Gregory Westcomb
James Vinstanly
Andrew West
William Wildgoes
Nicholas Wildbore
Valentine Wanley
Christopher Villoughby
Richard VVynn
Thomas VVilson
James VVancourt
Capt. William Wildy

The Names of the present Governour, Deputy, and twenty four Committes.

Sir Andrew Riccard Knight and Governour
SIR Thomas Chamberlan Knight and Deputy

George Lord Berkeley

Sir Joseph Ash Knight and Baron

Sir William Thomson Kt.

Sir William Ryder Kt.

Sir Anthony Bateman Kt.

Sir Richard Ford Kt.

Sir George Smith Kt.

Sir Stephen White Kt.

Sir James Drax Kt.

Sir William Vincent Kt.

William Love Alderman

John Jolliffe Esq;

Maurice Thomson Esq;

William Williams Esq;

Mr. Peter Van De Put

Mr. Samuel Barnadiston

Mr. Thomas Kendall

Mr. Christopher Boone

Mr. Robert Lant

Mr. Thomas Winter

Mr. Francis Clark

Mr. Christopher Willoughby

Mr. Thomas Bretton

Mr. Edward Pearce

Note, That the whole Subscription of the *East-India Company of England*, in their last joint Stock, founded in *Cromwell's* time, was 800000 *l. sterl.* whereof 400000 *l.* was paid, and the other ready to be paid, if the Company could have employed such a Stock in *India* or parts adjacent.

Note, That in the first year after this undertaking of the *English*, the Companies Actions in *Holland*, fell 40 *l.* and 50 *l.* in the rates current, but when they understood how the *English* proceeded, they came to their full values again.

Note, That when Sir *William Courten* set forth his Ships in 1635. and 1636. the *Dutch* Actions fell far lower, and the *English* Actions of the old Company did rise 30 *l.* and 30 *l.* in the 100 *l.* which never did the like before or after, and (for those reasons) that Trade was undermined and spoiled by the *Dutch*.

Note, That every Committee man in the *English* Company, hath a 1000 *l.* and upwards, in the Stock, otherwise he is not capable of being chosen into that office.

Note, That the *Bewinthebbers* or Directors of the *East-India Company* in *Holland* have the like summe of 1000 *l.* in the first principal Stock and upwards, otherwise they are not capable of that employment.

Note, That the first original joint Stock of the *East-India Company* of the *Netherlands*, was 660000 *l. sterling*, in the year 1602. when they laid their foundation of *East-India* Trade, and that every 100 *l.* in that principal Stock, is now worth 460 *l.* and upwards, which rises and falls according to news good or bad every exchange time; but what a 100 *l.* in the several, first, second, third, and fourth joint Stocks are worth in the old *English East-India Company*, is not certainly known.

Note, That the Company of the *Netherlands* are different in their principles of Government and Trade both at home and abroad, from the *English*, which have so much advanced the one, and abased the other.

Consulta & Sententiæ Gualteri Walkeri Militis,
Gulielmi Turneri, Joannis Extoni, Timothei Bald-
vini, & Davidis Buddi, Doctorum & Professo-
rum in Juri Civili super argumento subsequente.

IN Causa nobis allata, tangenti naves dictas Bona Esperanza, & Henry Bonadventure, pro quibus Joannes Ayton Miles, Georgius Carew, & Carolus Whitaker Armigeri, pro seipsis (& Omnibus interessatis,) nupote qui in se habent totum jus ad rem Gulielmi Courten, Edvardi Littleton, & Pauli Pindar Militum defunctorum, repetundarum & damnorum Batavos postulant.

1. Argumentum. Gulielmus Courten Armiger, alijque Mercatores Londinenses, qui cum illo Societatem iniverant, Literas Patentes magno Angliæ sigillo confirmatas obtinuerunt, quibus in *Indiam Orientalem*, *Chinam*, & Regiones adjacentes, mercaturam exercendi ipsis jus erat concessum. Hac autoritate freti, postquam aliquot negotiatorum sedes & Colonias in Oris maritimis mercaturæ opportunis possissent, anno 1641. duas *Anglicanas* naves (inter alias) appellationibus *Bona Esperanza*, & *Henry Bonadventure* insignitas, nehon mercimonijs pretiosis probe onustas ad mercaturam in *India Orientali* faciendam emiserunt. Quarum Navium & bonorum partes septem ad præfatum Gulielmum Courten ex proprio jure spectabant, reliqua octava ad ceteros Mercatores *Anglos*.

2. Prædictus Gulielmus Courten per Syngrapham (quam Indenturam dicimus) factam 26. die *Aprilis* 1642. inter ipsum & Dominum Edvardum Littleton militem ob justam Considerationem inibi expressam, concessit, alienavit & vendidit nominato Domino Edvardo Littleton, inter alias, supradictas naves *Bona Esperanza*, & *Henry Bonadventure* una cum ipsarum onere, mercibus, proventibus, lucris quibuscunque exinde exortituris, aut quæ ad eum diem provenissent, idque alijs amplissimis & laxissimis verbis, prout, &c. habenda & tenenda eidem Domino Edvardo Littleton Executoribus & Assignatis suis ad usum suum proprium tanquam sua propria bona & Casilla exinde in sempiternum; prout habetur in memorata Indentura.

3. Postea verò, nempe 19. die *Decembris* 1643. per Indenturam tripartitam factam juxta normam *Juris Anglicani* inter prædictum Gulielmum Courten ex prima parte, prædictum Dominum Edvardum Littleton ex secunda, & Dominum Paulum Pindar ex tertia, Illi præfati Gulielmus Courten, & Dominus Edvardus Littleton, ob Considerationem inibi expressam, concesserunt, alienarunt & vendiderunt prædicto Domino Paulo Pindar (inter alias) naves prædictas *Bona Esperanza*, & *Henry Bonadventure* una cum omnibus ipsarum armamentis, aplustribus, oneribus, bonis, mercibus, redditibus, adventurijs, pecunijs, sortibus, pecunijs, in earum utraque existentibus vel quocumque modo pertinentibus; itemque omnia emolumenta, commoda, lucra, beneficia, &c. ex ipsarum navibus in varijs suis profectioibus exortientia & accrescentia; necnon omne & plenum jus, dominium, titulum, vendicationem, & interesse quodcumque ipsi prædicti Gulielmus Courten & Dominus Edvardus Littleton eorumve alteruter ad omnia & singula præmemorata habuissent, prout, &c.

4. His ita peractis, Societas *Hollandorum* Mercaturam ad *Indiam Orientalem* ex-
percentium, anno 1643. (dum inter *Anglos* & *Batavos* pax esset) incidens in præ-

dictam navem *Bona Esperanza*, eam hostilem in modum cum nonnullis navibus suis invaderunt oppugnarunt vi expugnarunt & deprædantur; *Anglos* autem nautas, navi, mercimonijs, commodis, &c. everserunt & spoliarunt. Idemque bona omnia & communia prædictæ navis *Henry Bonadventure* ceperunt & detinuerunt.

5. Quod vero ad damna & jacturas inde illatas attinet, prædicti, Domini *Joannes Astor*, *Georgius Carew*, ac *Carolus Whisaker* Armigeri, &c. ad quos secundum formam juris *Anglicani*, totum jus, & titulus, & dominium prædictorum Domini *Gulielmi Courten*, *Edwardi Littleton* & *Pauli Pindar* defunctorum pervenit, eadem sibi præstari, restitui & resarciri petunt ac flagitant.

Adversum hac ex parte Societatis Hollandicæ prædictæ octo Objectiones afferuntur.

1. *Jus ad rem mobilem nisi per traditionem transferri non posse.*

2. *Per Indenturam tripartitam factam inter Gulielmum Courten, Dominum Edwardum Littleton & Dominum Paulum Pindar, datum 19. die Decembris 1642. duntaxat continuisse de cautione sive securitatum prædictarum creditarum, jus autem plenariam ad naves earumque bona in Dominum Paulum Pindar nequaquam transisse.*

Verum contra hæc duas Objectiones primò notandum est, *Gulielmum Courten*, Dominum *Edwardum Littleton*, & Dominum *Paulum Pindar* patet omnes fuisse *Anglos*, deinde prædictam Indenturam tripartitam Venditionis & Emptionis, &c. factam fuisse ab *Anglis* in *Angliâ* de navibus *Anglicanis* ipsarumque bonis ac mercibus tunc temporis in eorum peculio existentibus, & *Nearchorum* quorundam tutela ac Cura dum in mari versarentur conceditis, &c. Inde juxta leges *Angliæ* ista venditio & emptio firma erat ac valida, & per sigillationem & traditionem prædictæ Indenturæ jus omne ad emptorem delatum est, citra omnem traditionis posterius celebrande necessitatem: siquidem clarissimum est ex jure *Anglicano* Rem mobilem (cujusmodi sunt naves & mercimonia) ab ipsius proprietario qui ipsam interventu *Nearchi* in possessione habeat, rectè alienari posse; traditione opus non esse, at sigillationem & traditionem syngraphæ ad effectum juris abundè sufficere.

Quod cum ita se habeat, sequitur ex jure *Anglicano* *Gulielmum Courten*, quo tempore prædictas naves & bona primò Domino *Edwardo Littleton* concessit, se jure suo ad easdem, tenuisse: Cum autem deinde *Gulielmus Courten* & Dominus *Edwardus Littleton* utrique simul Domino *Paulo Pindar* easdem concesserunt, itidem eorum utrumque jus suum transfuisse, prout, &c. Adeo ut prædicto *Gulielmo Courten* ex vi legis *Anglicanæ* nullum ad prædictas naves jus deinceps restaret.

1. Quorum intuitu clarissimum esse censemus de Contractu prædicto ab *Angliâ* in *Angliâ* de navibus *Anglicanis* celebrato; juxta leges Civiles & recepta ac communia Gentium Jura, judicium ferendum esse (quoad ejusdem validitatem & firmitudinem,) duntaxat secundum jus *Anglicanum*, non vero secundum quodvis aliud. Ac proinde cum omnia ad firmitudinem secundum legem *Angliæ* requisita habuerit, eversum non posse, tametsi circumstantiâ aliqua ex more alterius cujuscvis Gentis requisita careret.

Cujus sententiæ robur multis exemplis & judiciis statuminare atque indubitatum reddere possumus, si quando id postulabitur.

2. Nec difficile foret ostendere in hujusmodi casu etiam juxta Legem Civilem & receptas Jurisconsultorum regulas ac sententias, in prædictarum Indenturarum sigillatione & traditione ob considerationes inibi expressas, reverà fictam quandam rei ipsius traditionem inesse, quæ ad transferendum jus *Gulielmi Courten* primum ad Dominum *Littleton*, deinde ad Dom. *Pindar* sufficeret, prout, &c.

3. Tertiò Obijciunt *Hollandi*, Quod si naufragium vel aliud infortunium accidisset, Dominum *Paulum Pindar* jacturam sustinere non debuisse, sed ex Syngraphæ Asserutionis remedium querere, idemque illi jus ad Naves mercesve non compariere.

Hæc Objectio admodum infirma videtur. Quippe notum est, tum in jure, tum in praxi

proximi, illum qui cum alio de evitanda periculo contractum fecerit, possit in eam damni agere contra Asscuratorem; ad illud autem non tenetur. Ad hoc enim ejusmodi, cujus gratia Asscuratio facta est, non quidem obest sed remedium ulterioris loco est; adeoque si libeat, possit potest, retento nihilominus rei dominio. Id quod non arguere videtur, nempe quoniam pretium Navis aut Bonorum Asscuratorum summi sunt, pecunie in Contractu memoratam, s. 6, 7, 8, aut 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 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999, 1000.

4. *Objection quæritur Dominum Pinder habere si quis solutus sit proportionalem suam partem, nisi aliquos interitus post reditum navis ad Londinum, proinde Dominum Pinder non debere.*

Hæc Objection tum sane Rationi, tum Juri Civili & Gentium repugnat. *Hollandi Navēs de bona*, de quibus Controversia est, prædatoris de manu arripit capiunt, alioqui Londinum ad possessionem Domini Pinder reditura, ut inde sibi debita perciperet. Unde clarum per *Hollandi* statuta quo minus navis illa de bona ad Londinum pervenerit, statim eisdem in causa fuisse quod Dominus Pinder potius illi debuit prius orbatus fuerit.

Regula. In jure Civili receptum est. *Quid peritum, cuius interitum non impleri, fuit quo minus impleri, perinde haberi ac si fundum impletum fuisset.* Adeo ut hæc regula contra *Hollandi* valeat, ac si idem ab illis factum esset.

Quid? quod communis ratio ostendit *Hollandi* qui prædictas naves prædatori ceperunt, retinuerunt, ad usum suum converterunt, nec passi sunt ad Londinum reverti, causari non posse aliquid contra Dominum Pinder ad quod ad Londinum non redierint. Hoc enim esset, contra regulam Juris & æquatis fraudem capere ex dolo suo proprio.

5. *Quæritur hæc Objection, Symplicium seu Indemnitas Empiorum & Venditionis inter Gulielmum Courten, & Dominum Edm. Littleton, datum 26. Sept. 1662, non aliud voluisse, quam ut caveretur ei, contra sponsiones & Fidejussiones; dictumque Dominum Littleton nihil perdidit pro Dominio Courten perdiditque quo tempore facta est alienatio ad Pergens, proinde Dominum ad naves prædictas & bona remissa ad Dominum Courten remissa.*

Hæc Objectioni supra factis responsum est. Nimirum Gulielmum Courten, per Sigillationem & traditionem Indemnitas, sese omni dominio spoliasse, nihilque juris habuisse quo tempore dicitur fuisse facta translatio ad Pergens.

6. *Sane, objicitur, Quod si Dominus Edvardi Littleton aut cujusvis alterius proprietarii administratur, tamen non alicui allegationi aut prætensioni locum non esse, eo quod Venditio non delata fuerit ad Anglos & Batavos Deputatos An. 1654. prom secundum Articulum Tractationis Cromwellianæ tricesimum fieri oportuit.*

Verum hæc Objectionem Articulus Tractationis inter Sacram Majestatem suam & Ordines Provinciæ Confæderatæ, decimus quintus, prorsus tollit, utpote in quo hinc Exceptionem repetere est. (Hoc excepto, quod scilicet qui se jacturam passos dicunt in duabus Navibus, viz. Bona Adventura, & Bona Esperanza, poterunt licet inceptam prosequi.)

7. *Septima Objection est, Rescriptum seu Commissionem factam super Lege, adversum Decutores Lata, quod attinet, nec Statuta nec Consuetudines Angliæ locum habere posse in Germania Inferiori, ubi omnia secundum Jura Civili & Gentium judicantur.*

Resp. Jus Civile & Gentium de decutoribus aliquid statuisse, eos infamia notatos velles, bona Creditoribus distribuenda adjudicare, ipsis interdixisse ne quos clandestinos contractus, compositiones, &c. quæ Creditoribus obesse possint, post decoctionem compertam faciant.

Et hujus quidem rei Societas *Hollandica* (vel secundum id quod ponunt in hac septima Objectione) notitiam habere debuit.

8. *Obiectum & ultimo obijciunt, si concedatur Dominum Courten solvendo imparasse, quo tempore facta est ad Pergens alienatio, Societati illud innotescere non potuisse.*

potuisse, nempe cum inceptorum reddituum esse ad transferendum dominium alienigenae vel
quam in Provincia Confederata haberet. ius belli in

Cui Objectioni respondetur primo societatem cognoscere debuisse quid in huius-
modi casibus ius Civile de Consequendo. Gentium ianuerit, quorum vi decatores
omni iure transferendi bona sua etiam in Germania inferiori privantur.

2. Iuris (quod obrenditur) a Domino Courten ad Pergens translationem, non fuisse
factam ante annum 1643. & 1647. Quoties Dominus Courten nihil profutur
iuris erat ut pult ad heredes, bona, &c. predicta, inliquid omne ius suum & domi-
nium, (quemadmodum super ostensum) ad Dominum Edwardum Littleton, & Do-
minum Paulum Pinder, antea, viz. Anno 1643. transfuisset, concessisset, & alie-
nasset.

3. Et hic locum habet generalis Regula juris recepta inter Gentes, Nemo plus iuris in
alio transmittit, quam ipse habet.

4. Societati significatum fuisse Dominum Courten totum ius suum multo ante ad
Dominum Edwardum Littleton, & Paulum Pinder transmississe, adeoque ad Pergens
profutur nullum transferre potuisse, nec Pergens potestatem habere translandi cum apud
quod si quid ita tractaretur, irritum & inane fore. Quare si his motibus neglectis,
postea obstinate animo ad contrahendum cum dictis Pergens processerint, An. 1647.
ipsi in culpa sunt ut qui exigua vel nullo pretio illud ab homine comparare voluerint,
perici quem nullum esset aut ius aut dominium.

Unde hic Regulae locus, Dominum quid quis culpa sua sentit, Insistere tenetur.

Adde quod societas (si ut accepimus) iura similibus esse dicti Pergens potestatem,
cautionem sumferit de restituendo pretio si contractus in ipsorum damnum cederet.

Quare cum Objectionibus singulis responsum sit, similiter concludimus, predictis
Objectionibus vel eorum qualibet (quae veris nobis invalide contra Peritores viden-
tur) neutquam obstantibus.

Predictos Dominum Jacobum Arden, Dominum Courten, Dominum Whistler, &
Socios, ius habere repetendi restitutionem, emendationem, & satisfactionem a predicta
Societate, pro damno & iactura praedictarum Navium, Bonorum, Mercium, &c.

Gualter. Walker.

Cypriel. Turnor

Johannis Exton.

Timoth. Baldwin.

David. Budd.

Subscript. in presentia nos

J. Daniel, Will. Allen.

Notar. Public.

1662.

The Opinions and Resolutions of Sir John Glynn Kt. and Sir John Maynard Knight, the Kings Serjeants at Law; Sir Edward Turnor Knight, Speaker of the Commons House in Parliament, and Attorney Generall to his Royal Highnesse the Duke of York, Bennet Hoskins Esq; one of the Benchers, and Reader of the Middle Temple, and Samuel Baldwin Esq; of the Inner Temple, Councillor at Law given upon the Case between the Assignees of William Courten and the East-India Company of the Netherlands.

William Courten being interested in several Ships and Merchandizes therein, they are put to Sea on Trading Voyages to the East-Indies.

26. April. 18. Carol. 1.

William Courten being indebted to several persons, and Sir Edw. Littleton being bound for him to them, William Courten grants (inter alia) the two Ships Bona Esperanza, and Henry Bona Adventure of London, with the Freight, Stock, Merchandizes, and Policies of Assurance.

This Grant is made in consideration of 20. s. and in general, for other considerations, provided if that William Courten or his Executors, &c. pay the Debts within twenty seven Months and save Sir Edward Littleton harmless, that then the Grant to be void.

19. Decemb. 18. Carol. 1.

William Courten, and Sir Edward Littleton reciting the first Deed and a great Debt of 24000. l. for a further security of that Debt, grant to Sir Paul Pindar his Executors and Assigns, all the Ships Apparel, Stocks of Merchandize, and the Policies of Assurance, and all their interest therein under divers Agreements, the Effect whereof is, that Sir Edward Littleton shall and may order and dispose of the said Returns for Pindar's satisfaction, by several proportions out of each Ship, and the Residue to be to Sir Edward Littleton for the purposes in the Indenture, and several other agreements, by all which it appears that Sir Paul Pindar was not to have more
 then

then satisfaction of his Debt, but after that satisfied in such manner as is expressed in the Indenture, the benefit of the Surplus was to be for Sir Edward Littleton and William Courten.

The Debts for which Sir Edward Littleton was bound, are not discharged within the 17. Months, nor are yet discharged, as appears by the Bonds, Counterbonds and Quittances upon record.

Then the Ship Bona Esperanza is surprised in an hostile manner by the Subjects of Holland, and the Bona Adventure and her goods also taken into their possession.

1648. William Courten as is pretended in Holland, Assigns his Interest, and all the Stock, &c. to James Pergen, who makes Composition for the same.

The Question propounded is, Whether the Assignment or Transport to Pergen be valid, and the Composition made by him be good or no? or, Whether the Grant or Transport to Sir Edward Littleton, or by him and William Courten to Sir Paul Pindar be good or no?

We conceive that both Questions fall into one, for if Littleton's or Pindar's Grant or Transport be valid, Pergen's Transport and Composition is void against Pindar and Littleton, and so is converso.

We conceive that by the Common Law of England, there can no Doubt be made, but that the interest and property of the Ships and Merchandise in them, at first and equally conveyed and transferred first unto Littleton, and then unto Sir Paul Pindar; and although it is so done under certain Conditions, or Reservations, and Agreements, yet till performance of such Conditions by Courten in Littleton's Case, the interest remained in Littleton, and when that condition was not performed (as to this day it is not) the Grant becomes an absolute Grant, and Courten or his Assigns can never avoid it.

And as for Pindar's Grant, it is absolutely good, but the person of Pindar is subject after satisfaction made to him of his Debt, to give an account, and make satisfaction to Courten and Littleton, but that power of drawing Pindar to account, no way lessens Pindar his right and property, he is perfectly Proprietor by the Law of England.

And this being a Contract in England by Subjects of the Crown of England, and touching their own interest, we see not how it can be otherwise interpreted.

When Courten grants his interest to Littleton, it hath no condition, but that if Courten pay the Debts within the time limited, when that time is expired, and no payment made, the legal interest is absolutely out of Courten, and becomes Pindar's, not as Assignee of Courten, but as Assignee of Littleton; yet it is true, that Pindar after satisfaction to him of his Debts, may to make satisfaction of the surplusage, but not at all till such satisfaction.

Then Courten's Assigns can have no more or greater interest than himself had, nor could transfer any property to Pergen, because he himself had no property in the thing, but only a possibility or power

power to call Pindar to account for surplusage after satisfaction of Pindar's Debt, and not before.

As to these Eight Objections raised by the Hollanders,

1. That *res mobilis* could not be granted without the possession delivered.
 2. That by the Tripartite Indenture of Assignment or transport from William Courten and Sir Edward Littleton to Sir Paul Pindar, of the 19. Decemb. 1642. there was only a Security granted for money lent, and not the real interest transferred in Ship or Goods to Sir Paul Pindar.
 3. That in case of Shipwreck or other miscarriage, Sir Paul Pindar was not to suffer Damage, but to sue the Policies of Assurance; therefore he can have no pretence to the Ship or their Lading.
 4. That Sir Paul Pindar could not claim his proportionable payments until some months after the Return of the Ship to London, and therefore also he can have no pretence to the Damages.
 5. As to the Deed and Indenture of Bargain and Sale from William Courten to Sir Edward Littleton, dated the 26. of April 1642. it was only a Counter-security against Engagements, and that he had not paid any money for Mr. Courten at the time of Pergens his Transports; and and therefore Mr. Courten was not divested of his property in the Ship or their Lading.
 6. That admitting Sir Edward Littleton's right or any other Proprietor, they were excluded from any new allegation or pretence, having not entered their Claim in 1654. before the English and Dutch Commissioners, according to the 30. Article of Cromwell's Treaty.
 7. That as to the Commission grounded upon the Statutes made concerning Bankrupts, neither the Statutes or Common Laws of England, could be effectual or take place in the Low Countries.
 8. That admitting Mr. Courten were insolvent when he made the transports to Pergens, the Company could not take any such notice as to deem him incapable of transferring his right to any thing he had in the United Provinces.
- They are of no value in our Law. L 1 First

First, The possession by the Laws of England goeth with the property, and where the right of property is, there by our Law is the possession, unless some other person obtain actual possession as a Trespasser; and indeed for Lands as was said, delivery of possession is requisite, but never for Goods, the Master may sell his Goods in the Merchants or Factors Custody as well as if they were in his own hands.

2. A Grant for Security of Debts, is as good as an absolute Grant to the end intended, till the Debts be discharged.

3. As for the Objection that Sir Paul Pindar was to have advantage of the Policies of Assurance, that is far from being solid, because no advantage can be of the Policy without the renunciation of the property, so without the latter he cannot have the former.

4. Though Sir Paul Pindar could not claim his payments until some Months after Arrival, yet that doth not weaken his security, therefore the taking of the Ship and Goods is a damage to him, for which he is to be relieved. The fifth is answered before.

As to the questions of State, or Civil Law, it's proper for other persons to make Answer thereunto.

5. It behoves every man to take notice of anothers right, who meddles with the thing wherein another hath right; it is a bad defence for one Trespasser, to say, I have satisfied another man for it, as it cannot be just when one man is intitled to a satisfaction for a wrong done him, that it should lay in the Trespassers power to make the person wronged remediless by payment to another person; an English mans head being broken, cannot be cured by a Playster applied to a Dutch mans head.

John Glynn.
John Maynard.
Edward Turnor.
Ben. Hoskins.
Sam. Baldwin.

Subscribed in the presence of us

J. Daniel, Will. Allen.

Notar. Public.

1764.

Sententia & Statutum Johannis Glynni & Johannis Maynardi Militum, Regis Servientium ad Legem, Edvardi Turnori Oratoris in Confessu Ordinum Inferiorum & Attornati Generalis ad Celsitudinem Regiam Ducis Eboracensis, Benedicti Hoskensii Armigeri, unius Assessorum, Jurisque Lectoris in Hospitio Medii Templi, & Samuelis Baldvini Hospitii Interioris Templi Armigeri & Juris-Consulti; data super lite inter Assignatos Guilielmi Courteni & Indiæ Orientalis Societatem Batavam.

Guilielmus Courtenus possederat diversas Naves quæ vela dabant ad mercaturam exercendam in Plagis Indiæ Orientalibus.

Aprilis die 26. Anno Domini 1641.

Guilielmus Courtenus plurimo ære alieno obstrictus, advincto insuper pro pecuniis istis Edvardo Littletono Milite, duas Naves (inter alia) scilicet *Bona Esperanza* & *Henry Adventure* appellatas unâ cum oneribus, Sorte & peculio, Mercibus & Syngaphis sive Politis Asssecurationis eidem Littletono & Assignatis suis transfudit, &c.

Hæc Concessio propter viginti solidos sive decem aureos (quantula nempe summa secundum Leges Angliæ in omnibus passionibus in nomine valoris scribi & numerari debet) tunc solutos, facta est, cautumque ab eo est quod si ipse Courtenus, Hæredes vel Executores ejus, debita sua intra spatium viginti septem mensium persolverent, atque ære isto Edvardum Littletonum liberarent integrumque restituerent, tum irritam fore hanc Cessionem.

Decembris die 19. 1643.

Guilielmus Courtenus & Edvardus Littletonus, recitantes primam Syngrapham, sive scriptum pacti, cumulatiusque Debitum viginti quatuor mille librarum, in ulteriorem securitatem præstandam cesserunt Paulo Pindaro militi, Executoribus & Assignatis ejus, omnium Navium istarum apparatus, totas merces tabulæque asssecurationis & omne interesse eorum, sub diversis conventionibus, quarum hæc summa erat, quod prædicto Littletono licitum usque foret, earum navium redditus Pindaro satisfaciendo & solvendo ordinare & disponere, vicibus & portionibus in utraque nave observatis, quodque restaret, Littletono competere, ad usum, inter alia varia pacta, in Syngrapha memoratis: per quæ omnia liquet quod Paulus Pindarus miles, præterquam debiti sui liberatio, nem nihil postulare potuit, sed post satisfactionem hujusmodi, residuum Littletono & Courteno commodo de jure vertisset.

Debita ea pro quibus Edvardus Littletonus obligabatur non intra viginti septem menses, immò nec ad usque persoluta sunt, sicuti per Obligatoria scripta, Contra-obligato-

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ria, & forense decretum quo Exlex *Listletonus* conclamabatur, plane manifestum est.

Postea, Navium prædictarum *Bona Esperanza* & *Henry Bonaventure*, à Fœderatarum Provinciarum Subditis, contra Fœdera pacis cum *Anglia* inita, vi capta est una & hostilem in modum detenta altera.

Gulielmus Courtenus (ut præ se ferunt *Belgæ*) transiit in *Hollandia* omne interesse & peculium suum, *Jacobo Pergenio*, qui reductis (sive conturbatis tanquam) rationibus cum Societate illa pepigit.

Ambigitur, utrum Assignatio & Translatio hac Pergenio, & reductio deinde per illum facta, valeat necne, vel an Cessio & Translatio Edwardo Listletono & ab illo simul & Courteno, Paulo Pindaro facta, rata vel irrita habeatur.

Nobis videntur ambe hæc questiones coincidere, nimirum si ad *Listletonum* aut *Pindarum* cessio valida sit, reductio illa *Pergenio* contra *Listletonum* & *Pindarum* omnino frustra est & sic à Converso.

Nostra pro Sententia, per *Leges municipales Angliæ*, hand dubium est quin interesse totum & proprietas Navium & mercium in iisdem, realiter & pro effectu devolvuntur defuncturque *Listletono* primum, & deinceps *Pindaro*; Licetque id factitatum sit sub quibusdam Conditionibus, Cautionibus & stipulationibus, tamen, quodvisque *Courtenus*, talemque stipulationem præstitam daret, jus & interesse apud *Listletonum* manserat, & cum Conditione illa non perfungeretur (ut ne diu constat) cessio illa, omnimodo absoluta est, neque possint *Courtenus* Executoresque ejus illam quoquo modo frustrari.

Quod cessionem refert ad *Pindarum*, omnimodò illi rata est, tametsi persona ejus post satisfactionem debiti sui rationibus & satisfactioni *Courteno* & *Listletono* dandis subiceretur, sed potestas illa cogendi *Pindarum* ad rationem reddendam, *Pindari* jus & proprietatem neutiquam minuit, quia per *Leges Angliæ* ille perfecte Proprietarius est.

Atque cum hic sit Contractus in *Angliæ* inter subditos *Coronæ Angliæ*, tangensque interesse eorum proprium, non videmus quomodo quis *Seculus* illum possit interpretari.

Quando *Courtenus* jus suum *Listletono* transiit, nulla alia extitit Condicio, nisi quod *Courtenus* debita persolveret inter spatium temporis definitum, eo elapso nec solutione facta, toto jure & legali proprietate exiit *Courtenus* quod jam in *Pindarum* cedit, non uti assignatum *Courteni* sed *Listletoni*; quamlibet verum sit, *Pindarum* post satisfactionem Debitorum suorum, quicquid superesset reddere oportere, non tamen nisi post talem satisfactionem.

Ideoque, *Courteni* Assignati, non habere possunt plus magisve Juris aut interesse quam ipse habuit, neque transferre ille potuit proprietatem ullam *Pergenio*, cum ipsemet, nullum proprietatem habuit, sed possibilitatem & potestatem tantum, cogendi *Pindarum* ad rationes residui reddendas post, satisfactionem debiti sui ut supra.

Quod Hæc octo Objectiones ab *Hollandiis* sugillatas spectat, nempe,

1. *Jus ad Rem mobilem nisi per Traditionem transferri non posse.*
2. *Per Syngrapham scilicet Indenturam tripartitam factam inter Gulielmum Courtenum, Dominum Edwardum Listletonum & Dominum Paulum Pindarum, datam 19. die Decembris 1642. duntaxat convenisse de cautione sive Securitate pecuniarum creditarum, jure autem plenarium ad naves earumque bona in Dominum Paulum Pindarum nequaquam transisse.*
3. *Quod si Naufragium vel aliud infortunium accidisset, Dominum Paulum Pindarum jacturam sustinere non debuisse, sed ex Syngraphis & Politiis assicurationis remedium quaerendum, ideoque illi jure ad Naves mercesve non Computare.*
4. *Quod Domino Pindaro non licuit, solutiones suas proportionales postulare, nisi aliquot mensibus post reditum Navium ad Londinum, proinde damni Emendationem illi non deberi.*

5. *Quod*

5. *Quod Sygrapha five Indentura Emptionis & Venditionis inter Gulielmum Courtenum & Dominum Edvardum Littletonum, data 16. Aprilis, 1662. nihil aliud voluit quam ut caveretur Domino Littletono contra sponsores & fide-jussiones, dictumque Dominum Littletonum nihil pecuniarum pro Domino Courteno persolvere quo tempore facta est alienatio ad Pergensium, & proinde Courtenum jure & titulo ad Navis prædictas & bona nondum privati.*

6. *Si jus Domini Edvardi Littleton aut cujusvis alterius proprietarii admittatur tamen nova alicui prætensioni aut allegationi locum non esse, eo quod talis venditio non delata fuerat ad Anglos & Batavos Deputatos Anno 1654. prout secundum Articulum Tractatus Cromwelliani tricesimum fieri oportuit.*

7. *Quod attinet Rescriptum five Commissionem fundatam super Lege adversum De-coctores lata, nempe Statuta & Consuetudines Angliæ, locum habere non posse in Germania Inferiori, ubi omnia secundum Jus Civile & Gentile judicantur.*

8. *Si Concedatur Dominum Courtenum solvendo inparem fuisse quo tempore facta est ad Pergensium alienatio, Societati illud innotescere non potuisse nempe eum incapacem redditum esse ad transferendum dominium alicujus rei quam in Provinciis Confederatis haberet.*

Hæ nihil valent secundum Leges nostras.

Quia primò, possessio per Leges Angliæ transit five vadit cum proprietate & ubi jus & proprietas est, ibi per Leges nostras invenire est possessionem, nisi alius quisque actualem possessionem obtinet, sub reatu Invasoris; & reipsa quantum Fundos in aliquibus casibus attinet, Translatio possessionis valde necessaria est, nunquam tamen quoad bona, quæ Magister, in manibus five Custodia servi sui vel Institutoris, tam legitime quam si apud ipsum essent, posset divendere.

2. Cessio ad securitatem æris alieni adeo valet, ut si absoluta esset ad finem propositum.

3. Quantum ad objectionem quod Dominus *Paulus Pinderus* se resarcitum daret ex Sygraphis Assécurationis, nihil in hac inest ponderis, quia prodesse hæc Sygraphæ neutiquam illi potuerunt absque renunciatione proprietatis, ideoque sine posteriori priorem tenere non poterit.

4. Quamvis Dominus *Pinderus* non irrogare potuit solutiones prædictas quousque aliquot menses elaberentur, hoc non debilitat Securitatem suam; captura Navis & bonorum prædictorum damno sibi est & propterea resarciendus est. Quintæ prius responsum est, Questionibus enim scitisque statim vel juris Civilis aliorum est respondere.

Oportet unumquemque qui se intermiscet alienis rebus jus alterius probe dignoscere, iniqua defensioncula inferentis mihi injuriam est dicere, se ob istam aliis fuisse neque justum potest esse, cum aliquis jus ad compensationem injuriæ sibi allatæ irrogandam habuerit, apud inferentem fuerit per solutionem alteri factam, irreparabilem eum reddere. *Lexum Angliæ* Caput, *Emplastro Cephalæ Batavi* cujuspiam applicato, haud sanabitur.

*Johannes Glynnus.
Johannes Maynardus.
Edvardus Turnorus.
Benedictus Hoskensius.
Samuel Baldwinus.*

*Subscribebatur coram nobis
Johan. Daniel & Guliel.
Allen Notar. Public.*

1662.

INSTRUCTIONS given to the Chief Agent of Mr. Courten and Company, at Carwarr, &c.

1. **Y**OU shall take into your Custody and under your Charge, all the Goods, Monies and Merchandizes, and other means which are ready are at Carwarr, belonging unto me, or that shall hereafter belong unto me, or others for my use, from other places to be Committed unto you, or under your Command, to other persons belonging to this Employment, and in service of this Factory. You shall likewise in case of Mortalitie, make and appoint Chief for every of the Factories on the Coast of India, which do belong to my Employment; And for misdemeanors, have power to displace the Chief of the said Factories, And with the advice of your Council, place fitter persons in their rooms: with other Factories from Rajapore to Ceylon, and up in the Country; Who are to acquaint you from time to time, the state of business, and yearly send up their Books to Carwarr, to be by you examined.

2. Forasmuch as no Blessing is to be expected but from God, You shall provide that the Service of God be duly performed, in the house twice a day, according to the Liturgy of the Church of England: To the performance whereof, be careful to call all the whole Household together, suffering none of the People to absent themselves from Prayer or divine Service, unless by sickness, or any other urgent occasion, which must be a sufficient cause, or punish the negligent according to the quality of the omission; Every Sabbath-day call the whole Household together, and employ the Forenoon and Afternoon in Prayer, hearing of Sermons, or Chapters of the Holy Scriptures read, and other devout Exercises, until it shall please God to allow you a Minister, for the fuller execution of Divine Service.

3. You shall have to your Council the rest of the Merchants of the Factory, with all other Merchants of Ships and Factories belonging to this Employment; Then presently with them debate and resolve concerning Trade and other matters, and in case of equal Voices, you shall have two Voices, a casting Voice besides your own: The second of this Factory shall be Accomptant General, and keep the Books of Business done in this and other Factories. The third person shall be Secretary, to write Letters and keep Correspondence with all places which have to do with this Factory. The fourth person shall be Cash-keeper, and daily make up his Accompt with the Accomptant General. The fifth person in the Factory shall be Ware-housekeeper, and daily give over to the Accomptant General what parcels of Goods received or delivered, so to be look'd in his Journal and Lidger.

4. If any more persons be in the Factory bearing the name of Merchants, they must be employed by Order of you and your Council, about such business as their abilities and the time shall most require; And when there are less persons then five in the Factory of the quality of Merchants, (then you shall report the business among those present according to every one his skill and abilities, bearing your self such a part as may be requisite; which four persons more or less to bear the said Offices, shall be elected by you and your Council; and any one departing out of the Factory, shall give up Accompt of his Administration, and another by you and your Council Elected and put in his room as aforesaid; The Chief of the Factory or Agent at Carwarr, (which now is appointed to be Mr. John Farren) at his arrival shall not be nominated by other than my self. But in case of Mr. Farren his departing this Life, before he comes there, then at the coming away of Leonard de Woodman, (who is now sent for home) the Factory shall be governed by the Second, untill further Order by next Shipping, which Second is to be chosen by a Consultation of all the Merchants, and is to execute the Orders with the Power given to Mr. Farren. And in case that Leonard de Woodman be deceased, or come home with Cape Hall,

Hall, and another left Agent by Mr. Hall, then such person shall be removed to be Chief at Batticalla after Mr. Farren's Arrival at Carwart.

5. Your Accountant-general, or second Person of the Factory shall keep exact and true Books of Accounts, of all Goods, Monies, Debts and other means to me belonging, under your Receipt of this Factory, charging distinctly every parcel and quantity of Pepper, Saltpeter, and other Goods bought; and Cloth, Lead, and Iron and other Commodities received for me and others, discharging the same when you Ship away your India Goods, or sell Europe Commodities: He shall also keep an Account of all the persons now in the Factory, or hereafter to come thore, giving them Credit within the line, and not the summe drawn out with the rest of the Credit aboard the Ship, or in the Factories whence they come, the Account is self being Copied at large in the Journal, and in the Lidger brought into a summe within the line pro Memoratum as aforesaid, for that this Factory is not to be Charged with Ship and other Factories debts; but withal it is fit that in the giving any one his Account, there should be remembered whence he comes, and how much due to him in the last Ship or Factory; when any person of the Factory takes up Monies or Goods, (which must not be otherwise than for necessities) such Money or Goods must be charged to his Account, and acknowledgement taken in the Receipt Book; and at the departing of any person from the Factory, his Account must be ballanced and he made Creditor for his wages, during the time of his abode there, the Copie thereof delivered unto him with your Name, and the rest of your Councils hands thereunto; and another Copy thereof must be sent home to me. If the Party departs this life, his Account as aforesaid, with his Will and Inventory of his goods and Clothes must be sent home and a Copy delivered to the Executors (if any present) his Goods and Clothes first being sold, and the proceed thereof brought to his Account. The Accountant General shall take and examine the Books of Account which yearly shall be sent unto this Factory, from the Factories of Rajapore, Rabag, Batticalla, Camiavore, and others when more settled; the Contents of which Books he shall extract and carry over into the Books of Carwart, of which Carwart-Books, Copies must still be ready to send home to me, by every Ship that comes home, and belonging to this Employment; which Copy of Books shall be by you, and the rest of your Council perused and signed by every one of the Council.

6. The Secretary shall keep all the Letters with some directed to this Factory, and Copy the same into a Book; He shall also write all the Letters which from this Factory must be writ to me and others in India, of which Letters, true Copies shall likewise be Registered into a Book; and he must be careful to seal no Letters, until the same be perused by you and the Council, and the hands of all them of the Council then present, thereunto, with the Secretary his own hand last of all. He shall also make all the Wills and Inventories of sick and deceased people of this Factory, whereof he is to keep a true Register; He shall also keep the Book of Consultations, and a Book or Journal of Day-observations, touching Trade, News, or other daily passages, the Copy of all which Books, the Secretary shall at all times have in a readiness, and send home the same to me by every homeward-bound Ship; which Copies must first by you, and the rest of your Council, be perused and signed, as in the fifth Article.

7. The Cash-keeper must keep the Cash-book at large by Journal and Liger, Charging every Coin, as Pagods, Santomers, Rialls of eight, Larrees and other small Monies on its several Account, with the quantity of the paise, for the receipt, and discharging the same against its particular Account, when payment shall be made thereof; the parcell of which Cash-book, must every day before night be brought unto the Journal, by the Accountant General. The Steward shall keep his book of house expence at large, and bring in the Weeks charge thereof unto the Accountant to be entered in his Journal and Lidger; of which Cash and Stewards book, a Copy must be constantly in readiness, and after Examination and underwritten by you and the rest of your Council, be sent home to me by every Ship which is homeward bound.

8. The Ware-house keeper shall keep a Ware-house-book, wherein at large shall be charged what Goods he receiveth into his Custody, which shall be discharged again, when he delivereth the same to be Shipped, or to those who buy the Commodity, noting every particular

particular of Condition, Quantity and Quality of the Goods, and Copying every particular Invoice of Cloth and other Goods into his book, On the left side the parcell received, and on the right side the parcell delivered or Ship'd away, and of every parcell delivered and received, he shall not omit to give daily before night, particular notice to the Accountant to be entered in his Journall and Ledger. He must also keep a book of Charge upon Merchandizes, which he shall weekly sum up, and bring the same to the Accountant to be entred in his Journall. He shall also keep a book of Presents, wherein shall be charged the presents given, with a large Expression to whom, and to what end. And in the Creditors side, bring in the presents received and returned with a Specification how they were disposed, of which Ware-house book, Charge of Merchandize and Presents, Copy must be had constantly in readinesse to send at the coming away of every Ship signed and sent home.

9. Instruct and cause to be instructed all the Young Merchants and Touths, resorting unto this Factory, not onely to keep their books exactly, but also to buy and sell all home and East-India Commodities, with the knowledge of Weights, Measures, Moneys, and Coins used thereabouts, and other needfull parts to be performed in this Employment, let the Touths and other the Young Merchants which are best able, learn the Sundry languages, be instructed to speak, read, and write the same language, that hereafter all busineses may be done and performed by them, without fear of being deceived by the cozening Brokers and false Linguists, let me yearly be informed of the ability of every one, not only in the Country language, but also in his book and industry in dealing with the Countrey People, and dispatching of businesse, thereby to know who may be preferred upon all occasions.

10. At every time when occasion presents, to send home Letters, do not neglect to Advise me of all particulars of my businesse, chiefly by the homeward bound Ships of this Employment; And when you write by the East-India Company Ships, by the Holland Ships, Portugalls, or Danes and French Ships, or by land as hereafter expressed. You shall use the Figures and Ciphers, to deprive our back friends of the Contents, when perhaps they may get our Letters into their hands, you may write home by Land Via Surratt or Persia, sending your letters to Bassora in the bottom of the Gulf of Persia; to be directed to the Consull for the English Nation at Aleppo, to be further conveyed to me by way of Venice, Lyvorne, and Marsellia, or else to write by Ship from Scanderoone, you may also write home by way of the Red-Sea, to be further conveyed to Grand Cairo in Egypt, by the bottom of the Red-Sea: This to be directed to Sir Alexander Pagetti, a Venetian Merchant, and Consull of that Nation, with order to send the letters to Alexandria, and further to Venice, Livorne or Mariellia, to be conveyed unto me.

11. In House expence be frugall untill further entrance of Trade, you shall not add to the building of Carwarr house, content your self with the house you already built at Carwarr, onely if you want Ware-house to preserve the Goods you procure for England, and other places, let convenient rooms be made, also for the Salt-Peter man what is requisite to the furthering of his work; but in digging of Ponds, Tanks, building Bridges, and other needlesse charges, do not imploy the Stock which is to be invested in Commodities? Be not too liberall in presenting, for it is frugality which makes a Trade rich, and when presents returns to you and others under your Command, let them not be applyed to any mans particular use, but brought into Account and Registered in the books of presents.

12. Suffer no man belonging to this or other Factories, to Trade, for himself, his Friends, or any body else, besides what is done for my Account: when any body is found possessed with Money or Goods or both to be invested in Trade as aforesaid, You shall take such Goods and Moneys from him, and dispose thereof to my use, giving the Possessor a receipt for the same, signed by you and the most part of your Councell, for which I promise to make satisfaction to the parties here at home as the first Ships return.

13. You shall direct all your returns, Bills of Lading, Letters, Books and Accomps, Marked with the Mark in the Margin unto me, and order the letters directed unto any else in England and Europe not to be delivered, before the same be brought to my hands, and order from me procured for the delivery thereof. (which order you must renew at every Ships homeward dispatch) neither shall you disclose there in the Indies by letters, words,

or actions; the State of businesse to Brokers, Merchants, and other the Countrey people, and lesse to the Hollander, French, Portugalls, Danes, or English, and other employed in the East-India Companies service, for the old or new Stock.

You must be industrious and secret in all your dealings in all your Trade, for it much concerns me to have the secrecy thereof reserved to my self, and the men by me employed, and when any letters come to your hands sealed and directed to me from some body in this employment, you shall not offer to open the same, neither detain it in your hands, but send the same letters sealed as you receive them, by all the speediest conveyance you can unto me, neither shall you open nor detain the letters which I send, to the persons employed in this Service, but send or deliver the same sealed according to direction with all speed possible, unlesse that such persons were deceased, run away, or come home, before you receive such letters for them, in which case you may open the letters to take course according as shall be required.

14. When you arrive in safety at Carwarr, you shall take full Information from William Gorle, and the rest of the Merchants (the state of businesse thereof) with their advice, and with the advice of Mr. Hogg proceed in the disposing of the Hesters lading for Monies, and in Trucke for Pepper, Cinamon, Endicoe, Calicoes, and other goods to be had there, and call the said Gorle and all others which had charge committed to them, and of him receive the Patent of the Great Seal of England, for your proceeding at Carwarr. You shall leave such order at Cannanore, as with the advice of all the Merchants, and Mr. Hogg shall find to tend to the most advantage of the imp'ym't, and leave William Gorle chief, to whom you shall deliver my Orders and Instructions for his Government, and settle the rest of his Councell, according to the form therein specified, with Copy of the same Instructions to the rest of those whom it concerns.

15. From Cannanore you shall proceed with the Hester to Cocheen, report off such quantities of your Cloth, Iron, Lead, and Baies as the place most vents, and being needfull, leave there of your Merchants for the disposing thereof, where you shall keep a faire Correspondence with Senior Francisco Quetho de Legorn, who was very Courteous to assist the Ships William, Planter, and Hester, you may agree for a good quantity of Cinamon, Pepper, and Calicoes, which at the return of the Ship from the Northward may be received in case there were not ready sufficient for the present; You may treat farther about the Freight which last year was propounded by all the chief Merchants of Cocheen for China, Japan, or Macasser, as appears by their letters to me, whereby they promise to take a good parcell of Stannimells and Venice red Clothes, you may see by the Freightis agreed by Capt. Weddall at Goa what to ask, which if you obtain, no better employment is to be expected for the Ships.

16. Failing at Cocheen of a China Freight, or in case of agreement, you must take so much time as may bring you to Carwarr, where you shall repair to Mr. Leonard de Woodman, deliver to him my letter, and receive from him my Patent under the Great Seal, and all the Instructions which he had from me, or from Cap. Hall; all which having received from him, you shall take into your Custody all his books and writings, and for his person send him aboard the first Ship which then shall be readiest homeward bound. Being thus aboard you shall charge him with the particulars in your Note for that purpose, and in the Journall of Richard Goodwin, the charge upon oath of Simon Graye, the note of Bobbheny broker of Carwarr, and the Notes of Anthony Martin, and of his several Answers keep a true Register, which you shall send home in Authentique manner; his books you shall examine, and finding any Error, Dubious, or false parcell, let the same Authentiquely appear, and send them home by the first homeward bound Ships, and the Copy by the next Ships; Mr. Leonard de Woodman himself you shall send home in such degree as he shal propose himself upon Examination of his charge, if Guilty, then send him home Prisoner, if clear himself of all, then send him home chief Merchant as you found at first at Carwarr, to inform me by word of mouth of the Trade up in the Countreies where he oftentimes travelled. In case of your first arrivall Mr. Woodman were at Rabago, or elsewhere in the Country, you must send as soon as you arrive an Exprosse for him to come down to consule together for the good of the Voyage, and being come down proceed as aforesaid, if he refuses to come down, you must send up to Court for a Warrant, and mean while

charge all the men in this Employment in the Country by virtue of your Commission, and in the Assignes name to follow your direction, and thus force him to come down, mean while you must not apply your self so much upon these particulars, as to neglect other business of venting goods, and procuring lading for the Loyaltie and Unitie for England, and for the Hester for such places as you shall resolve to send her, with the advice of Mr. Hogge, and the rest of the Merchants.

17. When you have placed your self at Carwarr, and settled the Government prescribed by these Instructions you shall erect a factory at Batucalla, and amongst other Merchants send Anthony Martin to reside there, because that he speaks the Country language, and was there from the beginning, till the demolishing of the house. The Pepper about Batucalla is very good, but not so good as that which comes from Rabagg and Houbilee, nevertheless procure a Quantity, for when it costs but 30. Pag. at Candee, it is far better then to pay 36. and 38. Pag. at Rabagg and Houbilee, besides the carriage down and the Customs to be paid upon the way.

18. You shall send for Peter Demaisters, who is at present Chief at Rabagg, to come to you, and send in his room to be chief there William Hicks, and in case he should be deceased or returned, such other persons as you shall find able for that place, for that the Hollanders which live there, strive to under-sell and over-buy all Commodities, and being Crafty Fellows, with their Insinuations and other sinister and underhand dealings, come to know of Mr. Woodman and Peter Demaisters the very secrets of this Employment; therefore it behooves you to place one there, able to discover their underminings, and Encounter with their dealings; Peter Demaister will do more Service under you at Carwarr.

19. You shall settle Mr. Albion Mottershed at Rajapore, with the rest of the Merchants, in that form of Government in the Instructions for the Factory expressed: And take up the Account of his dealings from the beginning untill now, for that I have as yet received none.

20. It is left to your Judgement and choice, whether to settle one or more factories upon the Coast of India, or Cocheen, Conlan, Calepatan, Dabull, or within the Country at Dichallee, Houbilee, or other places where the Pepper grows, what you resolve with the advice of your Councell, let it tend to the most benefit of this Employment, and be cautious in settling of Factories, that the charge of the place be not more then the profit to be expected from thence.

21. The Ship Loyalty is freighted by the Tonne at 21 l. per Tonne, Pepper 14. C. C. per Tonne, Cinamon at 16. C. per Tonne, Saltpeeter at 20. C. per Tonne, and other goods accordingly; She is to stay from her first arrival in India, the space of four Months to be unladed and to relade home; and if not dispatched within that time, then to stay on demorage for six Months certain, and eleven Months at the most at 300 l. per Month. The Unity is freighted by the great, at 2900 l. for the whole freight home, she is to stay in India, she is to stay there untill the first of January, if arrives there before the first of October, and if comes later to Rajapore, then to stay three months unlading and relading and dispatch; and if within that time the Ship should not be dispatch'd then to remain upon Demorage for six Months certain, and twelve Months at the most, 250 l. per Month; the Copy of the Charter party you shall find amongst the rest of your Papers, but the Charter party of the Unity is sent by that Ship to Mr. Albion Mottershed, by the same Charter parties you shall find the conditions more at large expressed. Endeavour to take home the two said freighted Ships, before they enter upon Demorage, and put aboard the Unity about 80 tonnes of Salt-Peeter or more, to bring her down, and be careful to have the Ship well filled with Pepper, Cinamon, and other light goods, because that I am to pay no more for 180 Tonnes, then for 100 Tonnes; for that she hold be not employed to stop Ships provision, let it be contracted to narrow compass, and cause all Bulk-heads in hold, made for outward accommodation, to be taken down; and if the Bread-room be too big, fill the same with goods or other provisions, the Loyalty being by the tonne is not material to make her stow so much and full.

22. During the time of the unlading and relading of the two said Ships, you shall send them both to the Southward and Northward, with direction to gather part of their lading,
mean

mean while let the Hester gather sailing also for them, and get such quantities of Goods down to Carwant becomes, to be laden before she enters into Demurrage to be excused of 1800 l. which I shall be forced to pay for six dayes Demurrage, as you may further perceive by Charter party; then you may do me a wondrous good service in dispatching the two freighted Ships home, and better in lading home all three, which shall recommend to your Diligence, Industry, and Care.

23. In case that the Loyalty nicely could be dispatched home, for I shall expect her at least, because it concerns me in the highest degree to have returns next Summer, then you shall employ the Unity upon freight to Persia, Red Sea, Cambaiz, Acheen, or China, in Company of the Hester to the most benefit, and when you may get so much or more, as may clear the 150 l. per Month, which I must pay for Demurrage, but if no profitable freight are to be expected, you may lade her with Cotton, Gum-lack on Sticks, Cassumba, Turmeric, and other goods vendible at Acheen, and send her thither consign'd to Mr. Henry Clatcock, Chief of the Factory there; You must send for Acheen also, by the Unity or Hester, all the Amber remaining at Carwant, in parcels of 500, Lead, and Cloth, and mean while procure her lading home against Christs-tide, 1643.

24. Provide for the homeward bound Ships, about 1000. Candees Salt-peeter, which Costs at Houbilee 3 $\frac{1}{2}$ and 4 Pagoes a Candee, which Salt-peeter you must cause to be refined by the Salt-peeter men, which goes with you, at 1000 refined 30 per cent. finer, then what came by the William and Hester, for the finer it is the better for sale, less freight and custom. Against next year, you shall provide another 1000. Candees Salt-peeter, which must be ready in the house before the Ship arrives out of England, and refined at leisure; You must also provide a good parcell of Pepper for these homeward bound Ships, and no less then 800. Candees which must be very well sifted, clear from dust, and all the light Pepper or empty Hacks fanned or milled out of it, for it is better to throw away the dust and light Pepper, then to bring it home to England, although I believe it will yield something in India, for dust is now worth the $\frac{1}{4}$ part of good Pepper, neither is light Pepper worth above the $\frac{1}{4}$ part of good Pepper, which dust and light Pepper pays as much custom and more freight then good Pepper, for the light Pepper requires three times more room then good Pepper, so that the price of light Pepper which is here 6 d. whereas the price of good Pepper is 18 d. per pound, but the custom thereof is 3 d. and the freight 3 d. $\frac{1}{4}$ per pound; And for light Pepper 9 $\frac{1}{2}$ which with the custom makes 128 d. double the proceed besides 6 d. first Cost. The Cinamon which you buy must also be sticks, garbled, and all the black and thick sticks refused, and if bought in a parcell together, 'tis better to throw them away then to bring them home, for the consideration mentioned in the light Pepper; You have John Smith a Grocer by Trade, who may constantly be employed about the Garbling and chusing of Pepper and Cinamon: Pepper of Cannanore, Callicutt, and Coulan, sells here a penny in a pound cheaper then that which comes from Rabagg, Houbilee or thereabouts.

25. By the Masters of Drugs and in the Instructions in 23 several papers, you may perceive what Drugs fit for this place with price and quantity, you have Stephen Hill Druggist, who may be employed in the choice and ordering thereof, and buy such parcels as you find expedient when it may be done to profit, and send the same home by every homeward bound Ship, besides you must provide for Acheen, a good parcell of Turmeric, Gum-lack, Mastick and Cassumba, which is a dry flower dying Yellow, which you may also suffer to be garbled by your Druggist, Cotton which Costs at Houbilee 2 $\frac{1}{2}$ pagoes a Candee, must also be provided for Acheen, Turmeric Costs at Rabagg 6. in 7. Pagoes a Candee, Gum-lack on sticks at Houbilee 11 in 12 Pagoes a Candee. In the buying of Pepper, Cinamon, and other goods, take heed to buy none when they be most wet or watered, whereby 30 per cent. may be lost, and more may be lost on the weight, but bespeak if they are found moist, wet, or watered, they shall make allowance, which may be tryed in weighing of 100 l. neat, and drying the same upon a Sail three or four dayes during the time of the Sun shining hot, and after three or four dayes drying, weigh what the same loses from the 100 l. aforesaid, and so a present experience may be made upon a Master of a pound dried by a fire. If Endicoe flat, and which may be had at about 100 Pagoes a Candee, you may have a parcell and send by the homeward Ships, and send home also a parcell of Callicoos

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made thereabouts, that the sorts and prices may be known, or order great parcels hereafter: inquire what Sugar to be had in the Countrey, and what price, for I understand that great store of Guano or Jaggerye may be had all the Countrey over at cheap rates, which being so, it may turn to Account to send a Sugar-refiner to buy and refine the Sugar there, both to save freight and custom: Inquire also what Bee-Wax may be bought for, and whether quantities may be had, it yields here alwayes 5 l. per cent.

26. Endeavour with all the Industry you have, to sell all the Commodities which are consigned unto you for Money, or in Truck for money and Goods, as above expressed, and such other as hereafter you shall be informed here or at Acheen, it's not safe to keep home Commodities unsold above 12 Moneths after landing thereof, for besides the perishing of Cloth, commonly Goods kept long sell at last cheaper then the first offer, and the yearly supply from home considered, goods are not like to rise in price with keeping, Moreover the pressed thereof lyeth dead, which otherwise may be employed in Commodities for Europe or Acheen, so that you may conclude it is better to lose 50 per cent. upon goods, then to keep them 12 moneths unsold. By the Invoice of the Hester, Unity, & Loyalty, you may perceive what kind of Commodities are sent from hence, per next return advise me what other goods may be sold for profit, and be diligent to find out the Trade of the place and Countrey to the full, and let me know whether Lead in Pigs of 300 l. sell not for as much as Pigs of 100 l. or Bars of 14 or 16 l. for hermit Bars and Pigs here is always 12 d. per cent. weight difference, that the Bars cost more. Also the price of Corall Beads, and whether a great difference be hermit deep Red coloured and a pale coloured, though the Beads be of one and the same bignesse; Which sort of Beads and bignesse thereof sells with you, and what quantities a year, for being very deere I must be fully informed of the price and request before can resolve to send a considerable parcell: next year intend to send out a good parcell of Corall, mean while you may put off all the Corall you find unsold in any one of the Factories.

27. You must be carefull to have all the Cloth of all the three Ships ayred as soon as you come into hot Countreies and in Sundry weather; You have a Packer named William Gerishe, who with his Presse may Pack up the Cloth again, as it was before; which he may also effect a shore, and be constantly employed about keeping the Cloth in good order.

28. You shall deliver a Copy of these Instructions, to all the Merchants of your Council at Carwatt, and send the Copy by the Loyalty, with the Copy of the Charge of Mr. Woodman, and all the other papers to be directed to all the other Merchants at Carwatt to be penned in a consultation of all the Merchants both of the shore and of the Ships present, and to rule themselves accordingly, in the settling a Council and Government as is prescribed; In case your Ship should arrive upon the Coast sooner then the Hester, or else the Hester miscarry, or lose her Monsoons, or that (which God forbid) you should depart this life before your coming to Carwatt.

29. By the premises you are certified of the general heads of this businesse, of this Employment, which strive to perform to my most advantage, and for what omitted, or else herein contained, which might be contrary to the most beneficial course, you shall have in all times power, (with the advice of your Council) to alter and redress the same, and to resolve for the best, which your resolutions I approve, as if hereby prescribed, conditionally that all times when such happen, you shall Register such Consultations with the hands of the Merchants present, and therein also inserted the reasons why so resolved, in opposition of all these my Orders; And beseeching God to blesse your Endeavours, and Preserve you in health Remain,

Your Loving Friend

William Courten.

Taken at Goa 11. Aug. 1645.
from Mr. Robert Hoopers Copy.

Coines, Weights, and Measures in Goa.

Coines. { 1 Cruzadoe is 12 Serafins 1 Serafin, 2 s. 6 d. Engl. or 5 Tangos,
6 Tang. 1 Patatoon.
1 Tangoe. 5 Unitens. 1 Unite. 15 Buzurocks.
1 Pag. 17 16 or 15. Tango. 1 Rial 8. 10 or 11 Tangos rising & falling.
1 Santomaz, de figur. 16 $\frac{1}{2}$ Tangoes. 1 Santomaz de cruce 15 Tangoes.

Weights. { 1 Quintall. 128 Ratas. 133 pounds *English*. 1 Rove is 32 Ratas
1 Rata. 16. Ounces.
1 Candee. 20 Maund. 500 pound neat *Engl.* 1 Maund. 24 Ratas.
1 Mark. Ounces 8. divided into $\frac{1}{4}$ $\frac{1}{8}$ $\frac{1}{16}$ &c.
1 $8\frac{1}{2}$ Ryals. weight makes a Mark. 100. Ratas is nearest hand. 102.
pounds *English*.

Coines, &c. in Cannanore.

Measures. { 1 Covad. $\frac{1}{2}$ Yard *English*.
Weights. { 1 Candee. 20. Maunds. 1 Maund. 24 Ratas. 1 Cannada nearest 3 wine
Pints *English*.

Batticalla.

Coines. { 1 Pagodie Tipkie is 15 Fanams in Gold. 15 $\frac{1}{2}$ Fanams. or 8 $\frac{1}{2}$ shill. *Eng*.
1 Fanam. 30 Tare. 1 Tare 4 Cashes being a small Copper peece.
1 Ryal 8. about 9 $\frac{1}{2}$ Fanams. 1. Santomes, 14 Fanams and 24 Tare.

Weights. { 1 Candee 20 Maund. 500 l. *English* or thereabouts. 1 Maund. 40 Sear
Measures. { about 25 l. *English*.
1 Covad from the elbow to the end of the little finger.

Carwarr.

Coines. { 1 Pagodie Tipkie 14 Fanams. or 1 $\frac{1}{2}$ Ryals of 8. or 7s. 6 d. *English*.
Weights. { 1 Fanam. 45 Cashes.
Measures. { 1 Candee. 20 Maunds. or about 500 l. neat *Engl.* 1 Maund. 40 Sear.
1. Covad $\frac{1}{2}$ yard *English*.

Rajapore, Lickmidas and Samgee. Decemb. 1644.

Coines. { 12. Massa. makes 1 Tola. 24 Tola. 1 Sear, being about 10 Ounces Troy,
Rajapore. { or 11 $\frac{1}{4}$ haverdupois.
1 Sear Sil. val. 1 pag. Tipkie. or 8 $\frac{1}{2}$ Larees. or 1 pag. great at 9 $\frac{1}{2}$ Larees
Rajapore per peece.
1 Sear Sil. val. pag. Tipkie. or 9 Larees. or 1 pag. great at 10 Larees,
Sattole per peece.
1 3 Pice makes 1 Laree Rajapore. 12 Pice 1 Sattole Laree.

Memorandum,

That by reason of the disappointment caused through the spoiling of the Voyages of Mr. Courten's Ships: The Factors were forced to borrow money in Acheen at 10 l. per cent. a Month, which is the usual rate of moneys in those parts, and for want of supplies their Credit daily impaired, untill at last the whole Trade and Factories were overthrown.

The Attestation of Mr. John Darrell Merchant, concerning Mr. Courten's Factors and Factories in the East-Indies and parts adjacent, in the year 1644. deposed in the Court of the Admiralty, in the fifteenth year of the Reign of King CHARLES the Second. Anno Dom. 1662.

I Underwritten John Darrell of the Parish of St. Giles Cripplegate, London, Merchant, do Testifie and declare upon my corporal Oath, that according to Articles and Covenants with William Courten late of London Merchant, I set Sayle from the *Downes* for the East-Indies, in the Month of April 1644. in the Fraighted Ship *Loyalty*, (with Cap. John Dursen Commander) in the Employment of the said William Courten and Company; and in September following, I arrived in the said Ship at *Jettapore* in India, and going up to *Rajapore*, acquainted Mr. Courten's chief Agent (Mr. John Farren) therewith, who by his Letter (contrary to Expectation) certified us of the sad and distressed condition of Mr. Courten's Factors and Factories, by reason of divers and several Losses and spoils of their Ships and Voyages, trading to and again for *China* and parts adjacent; and that since the losse of the Ships *Dragon* and *Kasharine*, the *Dutch East-India Company* had violently taken the *Bona Esperanza*, and seized the Merchandize and Ships provisions of the *Henry Bonadventure*, and assailed Capt. *Blackman* Commander of the Ship called the *Great William*, who very narrowly escaped firing or sinking in the Straights of *Mallacca*, as they themselves and divers others very credibly reported in India to me this Deponent,

Whereby I do further declare and assert, that all supplies were wholly prevented (and the said Factors wanting employment) their several remains of Goods and Merchandize were consumed, great Debts contracted, and the Factories, places of Trade, Customs, and Plantations of *Dabull*, *Jettapore*, *Goa*, *Coeben*, *Coulan*, *Basticalla*, and *Allepore*, along the Sea-coast of India and *Mallabar*, with *Vazipore*, *Rabagg*, *Harris-pore* and *Rajapore*, up-land, also *Acheen* upon *Sumatra* in the Straights of *Malacca*, and *Bellafere* in the bottom of the Bay of *Bengala*, together with *China* Trade, and *Madagascar* plantation, all undertaken and settled by vertue of Letters Patents under the great Seal of England, granted to Sir Will. Courten, and others upon good foundations of reason and policy, yet by providence were suffered to be most wickedly destroyed to the ruine of Mr. Courten and his Family, and the inestimable Losse of the whole Kingdome.

And I do further declare, that in the year 1645. I came thence for England again in the Ship *Thomas* and *John*, and Brought home the Books of Accompts sealed up, and delivered them to Mr. Courten and his Lady, with the sad tidings and relations aforesaid.

John Darrell.

Testibus,
Juratus Johannes Darrell 19^{to} die mensis Martii 1662. juxta super veritate premissorum coram venerabili viro domino Gulielmo Mericke Legum Doctori & Militi Surrogato venerabilis viri Johannis Exton Legum Doctoris Suprema Curia Admiralitatis Angliae locum Tenentis, Judicio suo Praesidentis.

Samuel How
Not. Publ.
Mai. Cottle
Not. Publ.

Will. Mericke.

Sententiæ & Judicium
JURISCONSULTORUM BATAVORUM
 In JURE CIVILI ex parte *Belgiæ Societatis*
Indiæ-Orientalis.

Verfæ ex Lingua Belgica.

VIdetur à nobis infra scriptis, copia cujusdam Contractus in Linguam Belgicam versâ 19 Decembris Anno 1642. inter Gulielmum Courten Armigerum Londinensem, ab una, Do m. Edvardum Littleton Baronettum ab alterâ, & Dom. Paulum Pindar Londinensem à tertiâ parte inisi, ut & impressa copia instrumenti procuratorii 27 Octobris 1645. à predicto Courten ad Jacobum Pergens, concessi, copia quoque literarum à Parliamenti Superiori Camera Londini 20 Martii 1642 ad Residentem Strickland in favorem predicti Courten, datarum; similiter duabus impressis copiis Epistolarum à Regiâ suâ Majestate Angliæ, tam ad Dominos Ordines Generales, quam ad Residentem suum in favorem negotiorum predicti Courten 9 Octobris 1647. Scriptarum; Item impressis copiis duorum Instrumentorum transportationis, sive translationis, & procurationis, sive mandati, quorum unum predicto Courten 10 Dec. 1647. Lond. & alterum vigesimo secundo Februarii 1648. hic Hagæ Comitum in usum dicti Pergens concessum erat; porro copia cujusdam Insinuationis Dominis Directoribus Societatis Indiæ Orientalis Amstelodami 25 Maii 1648. per Jonam Abeels Mandatarium, & procuratorem dicti Pindar, facta, ut & Arresti ejusdem primo Octobris 1648. ab ipsomet super Societate ibimet loci fieri facti, uti & certificationis à Consulibus & Rectoribus dictæ Civitatis 7 Augusti 1654. data cum insertione excerpta ex Registro causarum Judicialium ibi loci, in quo dictum Arrestum 13 Novembris 1648. validum declaratur; sicut etiam copia instrumenti renovationis dicti arresti data 2 Novembris 1649. ut & protestatione, 11 subsequenti & diversis Excerptis ex Registro causarum Judicialium dictæ Civitatis sub datis respectivis ultimo Maii, 21 Junii, 13 Septembris, & 8 Novembris, 1650. & 14 Febr. 1651. continentibus Petitionem à dicto Abeels, nomine quo supra, contra Dominos Directores Camera predictæ, institutam, Decreto Scabinorum, in quo ista causa salvo Jure Judicii in statu tenetur; præterea excerpto ex eodem Registro sub dato 13 Septembris 1650, continente Petitionem in casu indemnisationis contra Jacobum Pergens, & Cautionarium ejus à Dominis Directoribus institutam: Præterea duobus excerptis ex Indice aut Receptorio postulatorum, ex parte Mercatorum aliorumque Anglorum contra Populos Fœderati Belgii vircente trigefimo Articuli pacis coram Commissariis hinc inde nominatis continente primo Petitionem Gulielmi Toomes executoris testamenti dicti Pindar, quoad navem dictam de Bonne Esperance ad summam 72546. & secundo Petitionem dicti Courten, ad summam 60000 & Moultonii & aliorum proprietariorum dictæ Navis ad summam 10000 librarum Sterlingarum; ut & Copia literarum à Regiâ sua Majestate Angliæ 21 Martii 1662 ad Dominos Ordines Generales datarum, ut & Memoriali à Domino Residente Downing 20 Aprilis dictis Dominis Ordinibus Generalibus tradito, ut & responso dictorum Dominorum Ordinum Generalium ad idem dato; ut & expressis præventionibus contra Societatem Indiæ Orientalis nomine

& ex parte prædicti Courten, & aliorum quorum interest, ratione damni in Indiis Orientalibus passi, motis; ut & impresso altero memoratorum Dominorum Ordinum Generalium ad Memorale-Equitis Downingii dicto die Sancto & ultimo impresso responso vulgo Reply 13. Julii, & noviori memoriali primo Septembris præterito, contra illud a dicto Domino Downing exhibito, omnibus Spectantibus ad naves dictas Bonæ Esperanzæ & Henry Bonæ Adventure, a dicto Courten in Indias Orientales instructas; Quarum prima est Fisco addicta; & Bonæ alterius postquam ad lictus Insulæ Mauritiæ pulsa esset tunc per Ministros Societatis salvata sunt, & duobus questionibus ex inde propositis, viz.

An Societas non obstante dicto contractu 19 Decemb. 1642. Infimationibus, protestationibus, & Arrestis cum dicto Courten, aut ejus Mandatario Pergens decimo octavo Septembris 1649. potuerit validè transigere.

Secundo, Num dictus Pindar aut nunc ejus Administrator non teneatur respectu societatis in dictam Conventionem cum Jacobo Pergens Mandatario Courtenii, initam acquiescere.

Judicatum, saltem in hoc Judio, de dictis questionibus, Dominis Directoribus dictæ societatis liberum fuisse non obstante infimatione & protestatione vigesimo Maii; ut & Arresto primo Octobris ejusdem Anni supra Memorati, cum dicto Courten, aut ejus procuratore 18 Septemb. 1649. firmiter transigere.

Et consequenter dictum Pindar aut jam ejus Administratorem teneri in dictam Conventionem cum Pergens initam, respectu Societatis Acquiscere; Idque has ob rationes, quod, etiam si dictus contractus decimo nono Decembris 1642. dicto Pindar titulo Emptionis & translationis videatur dare proprietatem dictarum Navium, & Mercium in iisdem contentarum cum annuibus annexis, equidem non comperietur, realem fieri traditionem, & possessionem earundem, a Courten & Littleton, aliquo modo fuisse derelictam: Verum contra quidam Expresse stipulatur Courten & Littleton constituentem, ea conditione ut Paulo Pindar ex redeunte onere Navis dictæ Bonæ Esperanzæ solvant summam trium millium, & ex dicto onere Navis dictæ Bonæ Adventure 2500 librarum Anglicarum, dimidium unum intra unum, & alterum dimidium intra duos menses, post reditum, appulsam, & Exonerationem dictarum Navium Londini, aut alibi; & solutionibus ita prædicti dicto Littleton tunc liberum & licitum fore omnes ceteros effectus dictarum Navium tenendi, habendi, & fruendi in sua possessione in eam intentionem, quæ magis exquisita in contractu exprimitur; sicut & inter dictas partes (non obstante quod dictas Naves dictæ Pindar concesserint negotiari sint & vendiderint) expresse conventam & declaratum est ipsum Pindar nullo modo latitum aut passurum aliquid damnum aut jacturam quæ per Naufragium aut alio modo posset emergere; sed omnia ista damna & jactura si quadam evenerint (uti jam contigit) a prædicto Courten solo ferrentur, & sustinerentur.

Nec conceditur Paulo Pindar ut Merces redeuntes aut onustas ipse acceptet aut vendas quo sibi ipsi in conversione debiti sui solvat antequam dicti termini solutionis expirati essent, & dicti Courten & Littleton dictas respectivas summas ipsi Pindar non satisfecissent; sicut & eo casu tenetur ejus rei rationem, proventus & reliqua Littletonio reddere; uti etiam, casu Naufragij, aut hujusmodi alias infortunii numerorum asscuratorum, quorum Instrumenti, aut Polici ipsi quoque titulo præsenso Emptionis plus essent asscurati quam Pindar debebantur. Quo magis ex dicto contractu liquet, ipsas Obligationes & alias Certiorationes (inter eas quoque cautiones Bonbellij in contractu memoratas, dicti debiti sub Pindaro non obstante præsenso emptione, & translatione dictarum Navium, honorum contentarum, redituum & chartarum, dictarum policen) mansisse, & ab ipso incassas esse detentis, ex eo quod ille Pindar circa finem dicti contractus in casu plena solutionis dicti debiti promittit se easdem Obligationes & Certiorationes Courtenio & Littletonio traditurum.

Ex quibus omnibus constat quod quævis verba dicti contractus, dictent, Courtenium & Littletonium Pindaro, dictas naves, merces, redditus, chartas asscurativas, &c. Pindaro concessisse, negotiari esse & vendidisse, reipsa equidem dicto contractu nihil aliud tractatum aut stipulatum esse, quam dicto Pindaro pro magno suo credito securitatem, forma enim & effectus contractus magis inspicitur quam nominis impositio.

A. vid. etiam Bald. B. ex illo textu colligit argumentum a natura actus, nam cum convenit

A. L. Introitum
D. de præscript. verb. l.
si uno impune
D. locati & l.
si soli cum
Gloss. Cod.
ibid. Bald. in
l. cum dorem
in 2. Cod. de
jure dot.
A. Mant. de
verbor. ambig.
convent. lib. 2.
tit. 2.

venit natura actus, ei convenit ejus species, etenim de natura emptionis & venditionis est ut perfectio contractus ad emptorem transeat periculum, & in cognoscendo speciem aliquis contra actum magis attendi debere Pacta in eo apposita, quam nuda verba, docet, & pluribus exemplis illustrat post alios Mantica A.

Cum jam proprietates possessionis & Administratio dictarum navium bonorum & mercium penes illum manserit, ad quem antea pertinebant & per consequentiam solus Courtenus damnum in casu Naufragij aut alij emergentis infortunii sustinere debebat, equum erat eo casu id ipsi committere, ut liberum esset tractandi cum eis quos opinaretur sibi passum damnum reparare esse obligatos; & quoniam per suam Mandatarium cum dicta societate utilioribus conditionibus tractavit quam si actionem contra Societatem in usum asscurantium repudiasset, & nummos asscuraticios ad summam 6600 librarum Anglicarum recepisset, aut per Pindarum recipi fuisset, eam ob causam Administrator Pindari nullo cum fundamento pactum cum Societate intum quassanti exponere potest, specidem haud respectu Societatis quia Domini Directores nominem, ut proprietarium dictarum Navium, aut omnis eandem agnoverunt, aut agnoscere potuerunt, quam illum qui pro eo publice agnoscebatur, & valde seriose literis tam a superiori Parliamenti Camera quam Rege Angliæ sub dato 20 Martij 1641 & 9 Octobris 1647. recommendabatur, & cum cujus Mandatorio modo, aliquod tempus ante primam insinuationem a Jona Abeels qualitate qua 25 Maji factam, in transactione erant.

1. Sicut etiam Administrator tanto minus fundamenti habet pactum quassanti exponendi primo quod dictus Abeels dicta insinuatione non protestavit contra pactum invidum cum Courten, aut ejus Mandatario, sed solum contra annumerationem annuorum cuidam alij quam suo Magistro D. Paulo Pindar predicto faciendam.

Secundo Quod dictus Abeels primo Octobris in sequenti nomine quo supra, arrestari aut detineri curavit sub dictis Dominis Directoribus, omnia illa que illi (has sunt verba dicti Instrumenti arresti) liquidatione aut conventionione cum dicto Courten in eunda ratione dictarum duarum Navium ipsi solvere deberent. Quod Instrumentum cum eo modo quoque 13 Novembris 1648. in Registro causarum Judicium annuatum fuisset, arrestum a Scabinis validum declaratum fuit.

3. Quia 2^a Novembris 1649. nomine dicti Pindar, utpote habens actionem & transportationem a dicto Courten in eunda aut (quod notandum) inita de dictis navibus & contentis bonis ipsi Courten solvere deberent.

Quarto quia secunda insinuatione & protestatione undecimi Novembris 1649. & per consequentiam post transactionem cum Pergens factam iterum in eundem prioribus insinuationibus & arrestis a se dicta qualitate factis. Quia instrumenta utpote legitima, Dominus Downing in memoriali suo dictis Dominis ordinibus Generalibus primo Septembris preteritis exhibito, appellat.

Quinto (quod magis est & plane omnem excludit contradictionem) quia dictus Abeels in Judicio 20. Maji Petitionem instituit contra dictos Dominos Directores rursus dicta qualitate Mandatarij Pauli Pindar, ut actionem & transportationem a dictis Courten & Littleton habentis conclusit ad agnoscendum aut negandum, ac minime bona fide dictum pactum decimi nomi Decembris 1643. & per consequentiam ut vocati (Gedens) condemnarentur, secundum dictas insinuationes & arresta, solvere sibi petis supra dicta qualitate, & provisionaliter consignare summam 85000 florenorum, quam vocati annuerant & in se ut solverentur ceperant pro damno & pretensionibus qua Culiellmus Courten cum suis pretendebant ratione dictarum Navium, cum usura dicta summa a die conventionis, ad realem solutionem, & ne latius ex dicto instrumento videre est. Quia causa cum dicta die in Scuratio & ab ipso rursus dicta qualitate decimo Tercio Septembris 1650. in Judicio oblata esset, & Domini Directores eo tempore contra dictum Jacobum Pergens Petitionem in casu indemnitas instituerant & eadem causa decimo quarto Feb. 1651. ut ante iterum oblata, & in statu posita, uti ex dictis instrumentis liquet, omnia predicta non reputari possunt, quam iterativa promulgationes dicti pacti ex parte Pindari. Et quoniam Administrator bonorum ipsius ultima conventionione inter Regem Angliæ & has Provincias inita in integram restituitur quo ipso liberum sit litem motam (quod est & solummodo intelligi potest, de predicta lite coram Judicio Civitatis Amstelodamensis a Jona Abeels nomine Pindari, contra societatem intentata, prosequi) nullas ea propter

Defendants.

rationes conspiciamus quare aut quomodo Administrator transactionem aut conventionem cum Peregrinis, ut procuratore Courtenii, initam, jam contra Societatem, questioni exponere aut in disputationem trahere posset.

Quod porro dictus Courten in plena possessione dictarum Navium & bonorum in eisdem onustorum manserit, & per consequens translatione proprietatis, juris, & actionis in dictas naves nihil aliud fuerit quam pignus & affectuatio pro dicto Pindar, exinde quoque apparet, quod in catalogo preconsensuum quem presentes praetendentes imprimi curarunt pag. 2. ponitur, Courtenium per amicos suos & correspondentes Societatis Belgicae Indicae, rogasse ut eadem omnes mandata Gubernatori Insulae dictae Mauritii, ut redderet bona servata, & commentum nauticum e praedicta nave Bonaventura; ut ex eo, quod ibi porro dicitur, aliam navem Bataviam dictam & ibi damno dicti Courtenii fisco addictam fuisse, & pag. 3. per computationem Gulielmi Courten in nave Bonne Esperance onustam fuisse in Mercibus Judicis, uti supra expressis, summam 5000 librarum Anglicarum. Et quoniam tempore initae conventionis supra memoratae, naves jamdudum discesserant & in Indiis erant; ea dare sustinere quoque non potest possessionem talium mercium per dictum contractum a Courtenio in Pindarum transisse; quin hoc dicto, quod deberet periculum & damnum quod inde emeris oneri Pindari verti, cum res unaquaeque suo Domino preat; Quod jam contra verba contractus certaret, quia uti praedictum est, omnia damna & jactura oneri solius Courtenii redundare debebant, ea de re juxta dictam regulam quoque Dominium mansisse intelligi debet, & solaminde contractum pignorantium misisse, ut liquide aparet ex exordio dicti contractus, ubi dicitur Pindarum cum cautione Bonnellii non esse contentum, & Courtenium & Littleton valde inclinare, ipsi talem ulteriorem securitatem in solutionem Crediti dandi quam fas & necesse esset; & quamvis ibi dicunt ipsi concedant negotientur & vendant naves, cum suo onere & redemptibus bonis, quia equidem (ut in facto informatur) naves non ad Courtenium & Littleton pertinebant & quod onusta merces imo ipse Chartae affectuatio multo magis valeret, quam Creditum Pindari assurgens quod etiam redemptum inter eos tempore, assignari non poterant, & quod Courten & Littleton ex proventu illius datas menses post appulsus & exonerationis navium in se recipiebant obligationes Pindaro suo onere plene redimendi & quod easdem retinebat, ut tunc cassatis aut delatis traderet; quod illo interitu non tenebatur in damno, sed quod damnum & commodum pro solo Courten essent. Quod etiam commercium in India Orientali nomine solius Courtenii agebatur & nomen Pindari ut proprietarii navium & bonorum (sicut in facto informatur) nunquam in eo notum fuit; certo certum est Pindarum dicto contractu non potuisse sui proprietarii in naves & bona in questione acquirere, ea propter quod absurdum esset quod Pindar per dictum contractum acquisivisset jus reale ad vindicationem navium & bonorum quae tempore contractus, in Indiis, & antequam ejus noticia in Insulam, dictam Mauritius, aut Goa esse posset, respective capta & in Littus pulsa sunt, nam quantis se invidiam abhibere fides sed quidem ejus contrarium ex Statutis & famosis Doctoribus & Juris peritis Anglicis urgente necessitate ostendi potest A) talis consuetudo in Anglia esset quod ibi simpliciter translationes bonorum mobilium sine traditione reale jure in contrarium datur, illud quidem intelligi non posset de navibus & bonis extra Angliam quae ab tempore aut ejus agente venissent acceptae, sed voluntate & consensu sub primo proprietarii.

A. & inter alios ex Stenico in Reg. Majest. Scot. lib. 2. cap. 10. 85. si donationem ipsam Seilina fuerit subsecuta per totam rem manebit illi, Cui facta fuit donatio, & hereditas sui, si vero nulla fuerit Seilina subsecuta ex tali donatione n' habet obligationem nisi potest, quia ut intelligitur se:

omnium Regni consuetudinem patet est, nuda promissio, quam aliqua mera donatio, & in not. ibid. in verb. si vera autem donatio terra vel hereditas, sine Seilina, & possessione nihil operatur, quia traditione dominium acquiritur, & vulgo acceptum est, Chartam sine Seilina nihil juri tribuere, quia Charta nihil aliud est quam nuda promissio cum scilicet quis promittit se daturum, nuda promissio nullam iudicis obligationem, vult enim dicitur, nulli Seilina, nulla terra, & lib. 3. cap. 33. ver. 1. Ille proferat qui Seilina obtinet, quia melior est conditio possidentis & lib. 3. cap. 10. v. 2. perfectus emptio, & emptio cum est, ex quo de pretio inter emptorem & venditorem convenitur, ita tamen quod si cum fuerit rei vendita vel empti traditio & eod. lib. 3. cap. 3. ver. 1. cum autem mobile radum dicitur pignus, quia res quae pignori datur cum sit mobile, pignus sive manus traditur, nam contrahitur pignus cum ejus Seilina & possessio datur creditori, ut hic dicitur, quia rei interdictum est necessarius, sine quo non contrahitur obligatio pignori, quae cum de munus oritur, cum res est tradita, tandem sententia iure confirmat Thomas Crogier in tract. de Jur. Angl. lib. 1. tit. 1. v. 4. y. in fine, sine Seilina nuda liberum testamentum, fidei commissum, dono vel locatum non transferuntur & tit. 8. v. 19. ut donatio sine numeris absoluta sit, traditio vel quasi confirmari debet, traditio autem vel Seilina quot modis fiat libi disimus & lib. 3. tit. 24. v. 8. in emptio, & venditione rei requiri traditionem vel quia traditorem & uti capionibus dominii rerum transferuntur.

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